AIR POLLUTION CONTROL BOARD

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

ORIGINAL

Transcript of the proceedings held on the 7th day of March, 2001, at Indiana Government Center South, Conference Center Room C, Indianapolis, Indiana, before Heather S. Orbaugh, Notary Public in and for the County of Tipton, State of Indiana, CCR: LA.

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Kathy Watson

Thomas Anderson

Howard D. Cundiff

Chris Horn

David Benshoof

1:00 PM

MARCH 7, 2001

MR. JOHN WALKER: The March, 7, 2001, meeting of the Air Pollution Control Board will come to order. The quorum of the Board is present. I will introduce members and their representations. Tom Anderson; Howard Cundiff, Proxy for the Department of Health; Melanie Darke, Proxy for the Lieutenant Governor; Marlow Harmon; Chris Horn representing labor; Dr. James Miner, representing medical; Phil Stevens, representing the general public. And we have a new member, David Benshoof representing small businesses. Welcome, David, we're glad to have you.

MR. BENSHOOF: Thank you.

MR. JOHN WALKER: And I am chairman John Walker representing manufacturing. We will now have reports from the deputy commissioner and assistant commissioner.

MS. JANET MCCABE: Okay. Deputy Commissioner is not here today so I will take care of both. I will try not to be too long. I wanted to give a brief update on some legislative matters because there are a couple of bills going through that the Board will end up seeing one way or another. One has to do with an issue that we'll be

talking about later today, and that's the Sunset Law that says that state legislations expire seven years after their enactment, they're not specifically readopted.

They're has been some effort to make some amendments to that law this year that would clarify the thing that's most significant to this board, to clarify that rules that are required in order for us to implement federal programs for which we get federal money for federal programs such as our Clean Air programs would not be subject to the Sunset.

The problem is that if EPA does not take kindly to the fact that our rules can just expire unless we do something affirmative to make sure that that doesn't happen and expressed concern about our being able to retain authority over those programs. So that amendment is moving through, got through the House and will continue moving through the process.

Another bill that is moving through that will probably end up coming before this Board for rulemaking has to do with our lead-based paint program. I think most of you on the Board remember when we adopted the regulations to implement the federal lead-based paint abatement program.

And this year there were some suggested amendments that would make some adjustments here and there

to that program and also set some basic work-practice standards for anybody doing work that disturbs lead-based paint even if it's not a formal abatement action. So that's moving through and that would require some amendments to our lead-based paint rules which we would bring before you.

The other bill that I want to mention is not going to end up, I don't think, becoming an actual change of the law but will result in some action on the part of the Department that you guys will see. And that has to do with the process that we go through to issue variances for fire training purposes. There are rules and laws that say that open burning is generally prohibited, but we can issue variances from that requirement.

And one of the cases in which we do it is fire-training exercises, which is obviously an important public purpose. There was some interest from the volunteer departments to be allowed to burn and they do test burns of motor vehicles. Generally we require that the tires and the upholstery and the fluids and the things that would really create some pretty harmful emissions be removed from the car prior to the burning. And there was some interest that at least in some situations they be allowed to burn a motor vehicle fully loaded so that they could have that particular experience.

Rather than handling that through legislations, we've worked with the volunteer fire departments to develop a non-rule policy document that we've set out certain situations in which it would be reasonable for us to grant a variance for those kinds of situations. And we pretty much finalized that and will be bringing it to present to the Board next month. You may remember you don't have to act on non-rule policy documents, but we do present them at board meetings before they can become effective.

So that's kind of what's going on in the legislature so far this year. It looks like it may end up on your plate at some point and we'll certainly keep you updated as we go along.

This has been a pretty busy seven or eight days in the Air Quality world, a couple of significant Supreme Court decisions. It's not often that we get two right in a row like this and so I thought I would take a minute on that. I believe in your packet you should have a one-page briefing that I did attempting to summarize the decision on the eight-hour ozone standard and the fine particle standard.

The ozone part of it is what is getting the most attention. And just in brief, you know, the EPA had revised the ozone standard that was challenged by a number

of states and industrial groups. And at the Court of Appeals level, the Court found that EPA did not have the authority to set that standard as it did. The Supreme Court basically reversed the Court of Appeals on those claims and said that EPA did in fact have the authority to do it and notably said that EPA was not required to consider cost in deciding what the health standard ought to be. That's obviously a very significant issue for the litigates and has significant implications for air quality issues and other environmental and public health issues.

So we have answers on two questions and way, way more questions without answers yet. The Court did say that EPA had to put some more thought into how the eight-hour standard would be implemented and try harder to make the scheme that's set out in the Clean Air Act which was developed for the one-hour standard, see if they couldn't apply some of those procedures and approaches to the eight-hour standard.

So it goes back technically to the Appeals Court now and there may be various things that happen there, but then it will also go back to EPA for them to rethink about the implementation process for the eight-hour standard. EPA is not in any position at this moment to give any guidance to the states about what they plan to do or even when. I have a feeling it will be quite a little while

before they actually come out with anything firm.

There has been no indication that they intend to move quickly ahead; in fact, the sense that I get is that they may take some time to figure out what they're going to do in terms of implementation before they would actually make any formal designations. So we'll certainly keep in touch with EPA and let you guys know, especially in the areas of the state where it looks like those areas might end up being non-attainment.

So that was Decision Number 1. And then after we got up off the floor from that one, a decision came on Monday that the Court would not review the Court of Appeals' decision on the NOx rule. The Court of Appeals had upheld EPA's original NOx rule. We obviously didn't agree with the rules, but we were assuming that it was very likely that it would be upheld and there was -- and it was. The Supreme Court did not issue a decision on a list of number of cases that they decided not to hear. So we're all speed ahead on that one and it's nice to have that finally resolved. Any questions on those decisions?

MR. JOHN WALKER: Are there questions?

MR. THOMAS ANDERSON: A couple of quick -- a question, I guess, on one question on the first presentation. But in your memo you talked about the designation as non-attainment. I know originally we

discussed whether there would be a non-attainment designation or a transition area or something. Is that affirmed that it would be a non-attainment designation of some sort?

MS. JANET MCCABE: I don't know that anything is firm. The transitional designation was something that EPA came up with, it is not in the Clean Air Act. So it may be that the Court's decision was to signal that EPA maybe shouldn't try to come up with something like that. But we haven't heard one way or the other.

MR. THOMAS ANDERSON: The other thing was on the fire training issue. Knowing that there is some cars that do contain mercury switches, is that one of the things that needs to be removed or is required to be removed for this training irregardless of whether all parts are included and other things are in?

MS. JANET MCCABE: The non-rule policy document as written now isn't specific about any particular item on cars. Some cars also have asbestos in the brakes and that's an issue as well. So the strong interest of the fire department is we need a realistic legitimate car fire, and if you are taking things out of it then we don't have that. And we're trying to find a balance between -- it's a conflict between two important public policies.

So right now we haven't picked and chosen between what

things need to be removed and what don't.

MR. THOMAS ANDERSON: Well, I think that the mercury issue is an emerging issue for a lot of different reasons. And I think that, as you know, the legislation is working on unnecessary uses of mercury. And, you know, I think that this is another potential loop hole that, you know, if on the one hand we're going to look at restricting every use, thermometers and things, and we know ones that have switches, I would urge that that be considered so that we're consistent.

You know, and I know they are going to come up with many scrap and all the scrap and other things that I think would be good to be consistent with what we know. I know that there is a lot of changes that are going on and which manufacturers after this year will be using it.

MR. HOWARD CUNDIFF: That's probably not something that our services are going to care about either because that's not one of the flammable --

MR. THOMAS ANDERSON: Right. Yeah. I wouldn't think it would be a big deal on anything. From what I understand, you know, we know where they are and pretty easily -- shouldn't be -- wouldn't be something that would burn or would be an issue.

MS. JANET MCCABE: I've learned a lot about fire training in this process. It has been very interesting,

but apparently the stronger reason for wanting to do these burns is not so much learning how to put out a car fire, because I understand from the fire departments that you can do that pretty well with a stripped-down car. It's more when they want to do I call it arson, but the fire marshall called it causation or something a little bit more discreet. But investigation of how fires start and starting with upholstery and electrical fire. That's when they apparently need everything on the car so that they can learn how to do those kinds of things.

The other thing I should say is that we expect these requests to come in quite infrequently. We don't get very many requests for motor vehicle training now and we don't expect to get very many. The fire departments don't expect to be sitting in a school room, so we're talking a very small number of these situations.

MR. THOMAS ANDERSON: There is an option to do fire training of houses and things, that's another area that mercury -- you know, have mercury switches and thermostats, which I believe probably are removed before the burning.

MS. JANET MCCABE: Yes. We do generally require that asbestos tile and furniture and switches and electrical wiring and all that stuff be removed. I want to talk about eliminating NOx, if I might.

MR. JOHN WALKER: Sure.

MS. JANET MCCABE: I wanted to do a little update just on what has been going on with a NOx rule since the last meeting. We have in your packet a list. I wouldn't want to claim that it is all-inclusive, but the key issues that we see as open and that we need to be working on before we bring the rule back for final.

I've had a couple of conversations with EPA about specific things that we're thinking about doing and are pretty encouraged on a number of these issues. We have a couple of NOx work group meetings coming up that I will just tell you about if I can remember when they are. I think the first one is March 22nd and then the next one is April 19th so that we will have an opportunity to get everybody together and talk to them about changes that we think make sense. The one on the 22nd is at 1:00 o'clock over in the ISTA building, and the one on the 19th is in our building in Room 1319 also at 1:00 o'clock.

We -- as required by the rule-making statute, we need to send the rule that you guys proposed last time along with a summary of the comments that were made at the hearing and our responses to them to be published in the April 1st Indiana Register. So we will do that and get it over there this week. And then there will be a 21-day written comment period where people can give us comments,

but folks should know, anybody sitting here knows now and other people do as well, that we certainly are proposing to make some changes when we bring the rule back to you. So we want to be sure that we have a chance to talk to people about those so that they can intelligently comment during the comment period knowing what things we're likely to work on. So that's what we're doing on that. We're spending a fair amount of time on that. Now I am done.

MR. JOHN WALKER: Thank you. Are there other questions from anyone?

MS. MELANIE DARKE: I've just got one question regarding the ruling that was made on the NOx issue. Does that affect Section 126 or those rules at all in that decision?

MS. JANET MCCABE: It doesn't affect Section 126 directly because those rules weren't part of that litigation. There are questions about what's EPA going to do now, if anything, on the Section 126 decisions that are already out there and also on the ones, the additional petitions that they had withheld action on pending the outcome of all this mess.

And so what EPA is going to do on that I don't know, I haven't heard. But Section 126 is a really big issue. On the list of issues that I handed out it is a very, very key issue that EPA has got to give us -- has

got to make some decisions on so that we know how to handle it on our rule.

MR. JOHN WALKER: Okay. No other questions? We will move on. The next item on the agenda will be the approval of the minutes from the January 3, 2001, Board Meeting. Is there a motion for approval?

MR. CHRIS HORN: So moved.

MR. JOHN WALKER: Moved by Chris Horn. Is there a second?

MR. MARLOW HARMON: Second.

MR. JOHN WALKER: Second by Marlow Harmon of the adoption of the minutes as presented. All those in favor say aye.

(Aye was heard.)

MR. JOHN WALKER: Those opposed say nay.

(Nothing was heard.)

MR. JOHN WALKER: The adoption of the January 3, 2001, Air Pollution Control Board minutes are approved. The next item is the rulemaking action. There will be a hearing prior to consideration of the rule, the Authorization Rulemaking Action which consists of, number one, preliminary adoption of amendments to Rule 326, Indiana Administrative Code 4-2 Incinerators, and 326 IAC 9-1 Carbon Monoxide. Preliminary readoption of Rule 326 IAC 1-6 Malfunctions.

326 IAC 8-7, Specific VOC Reduction Requirements for Lake, Porter, Clark, and Floyd Counties. 326 IAC 8-9, Volatile Organic Liquid Storage Vessels; 326 IAC 8-11, Wood Furniture Coatings; 326 IAC 18-2, Asbestos Training Courses and Requirements for Approval. And preliminary repeal of 326 IAC 19-1, Employee Commute Option.

Listen carefully, these are the general hearing procedures. The rule as a draft rule was included in the board packet and is available for public inspection at the Office of Air Quality, 10th floor, Indiana Government Center North, Indianapolis, Monday through Friday between the hours of 8:15 a.m. and 4:45 p.m.

The Board packet is also available on line at w.w.w.state.in.us/idem/oam/airboard.

Appearance cards are available for those who want to be known as appearing in the record of these matters. If you have not already filled out a card and wish to speak, please do so. Be sure to indicate whether you are appearing for yourself or on behalf of a group or organization and identify such group or organization. Also note the capacity in which you appear such as the attorney office or authorized spokesperson. State which item on the agenda you wish to address.

When appearance cards have been completed, they should be handed to me and I will include them in the

official record of this hearing. Oral statements will be heard, written statements may also be submitted for the record during the hearing. Please hand any written statements to me if you wish them included in the record. If a prior speaker has given your comment, please just endorse that statement rather than repeating the statement.

A written transcript of the hearing will be made. This transcript and any written submissions will be available for public inspection at the Office of Air Quality. Copies will be made for the cost of copying. Will the official reporter for the cause please stand?

(Court reporter sworn.)

MR. JOHN WALKER: The purpose of these hearings is to give interested persons an opportunity to comment on the new rules or amendments. Comments should be directed to the substance of the proposed regulatory additions or amendments.

This is a public hearing before the Air Pollution Control Board regarding the authorization of rules as required by IAC 13-14-9.5. Being considered for preliminary adoption are amendments to rules 326 IAC 4-2 Incinerators, and 326 IAC 9-1 Carbon Monoxide Emissions.

Readoption of Rules 326 IAC 1-6 Malfunctions; 326 IAC 8-7 Specific VOC Reductions Requirements for Lake,

Porter, Clark, and Floyd Counties; 326 IAC 8-9 Volatile Organic Liquid Storage Vessels; 326 IAC 8-11 Wood Furniture Coatings; 326 IAC 18-2 Asbestos Training Requirement for Approval; and repeal of 326 IAC 19-1 Employee Commute Option.

I will introduce Exhibit 1, the draft rule, into the record of the hearing. Is there anyone from IAM who would like to comment on the draft rules? Go ahead.

MS. KATHY WATSON: I will bring to your attention two things that are in your packet. One is a copy of the rule readoption statutes that govern our rule readoption by Sunset, and also a schedule for the rest of our rule readoption rulemakings this year, so you can kind of look ahead and see what is coming.

We have already brought one rule to you that was on a Sunset rulemaking schedule and that was ship building, ship repair last month and this is the next batch. This group includes a set of rules that received comment in the first comment period for rule readoption last spring. When the rules received a comment in that first comment period, you recall we don't do the expedited readoption process but rather the full rule promulgation according to our regular procedures.

In this group there are five rules that did not receive any comments during the second comment period. I

believe that second comment period was held last fall. We had asked in the first comment period for specific language changes or suggestions to act upon and to consider during the readoption process.

We notified all commenters from the first comment period of the second comment period. We did not get any comments on these five rules and those are the ones that you have listed that the chairman has read to you that are just for readoption. Therefore, because we received no comments, we are requesting that the Board preliminarily adopt or readopt these rules as they're currently written. These rules are also part of our state implementation, all except the asbestos training one, so it is important for them to be readopted and remain a part of our study.

Next, we're requesting the withdraw of Rule 19-1 which is the Employee Commute Option. This was a part -- a program required by the Clean Air Act. At one time it required ozone non-attainment areas that were serious or higher to -- for employers in those areas with more than 100 employees to adopt a car-pooling program.

It was very controversial and the requirement was later made voluntary rather than a mandatory requirement of the states. We have included it in our rules, but we have never implemented this program, we have not relied upon it in our planning for ozone attainment in northwest

Indiana. You can't really quantify the reductions if you get such a program and we had a lot of other options to look at for ozone attainment in that area. So because we have not implemented that, we would like to go ahead and propose that it be withdrawn.

Two rules did receive comments, 4-2 and 9-1. These are incinerator rules. 4-2 addresses particulate matter and 9-1 carbon monoxide. We thought this was a good opportunity also to update the older state rules, to recognize some of the newer federal rules that are in place and insure there is no conflict between them. And in a few minutes I will ask Susan Bem of our staff to come up and speak about the exact changes that we're proposing for those rules.

Then looking forward I wanted to mention the remaining rules that are due to expire in January 2002. Three of the rules that received comments in the first comment period on the Sunset reauthorization were already open and being considered by the Department for amendments. These included the Fugitive Dust Rule, the Emission Reporting Rule, and Process Rate Emission Limits.

Although we are -- had already been working on these rules, what the Sunset process has done is set a firm schedule for us to complete them and they would otherwise expire next January. So for them to be

effective still in January of 2002, we will need to bring those three rules to you for preliminary adoption on April 12. And note that our April meeting is not the first week but the second week, and it is on a Thursday so make sure that's marked in your calendar.

Final adoption for those three rules is scheduled for August 1st, which is the latest date that we can adopt them in order to get them through the promulgation process and have them fully readopted by next January.

These three rules that you will see in April have some substantial issues associated with them, that's why we've been working on them for some time. There are a number of issues associated with them. We have prioritized these rules in order to work through those issues and get the rules readopted by next January.

We are making ourselves available to interested parties to discuss the issues and we have already held public meetings with interested parties on all three of those and those have been well-attended meetings. We will continue to work with the parties that are interested in those rules after preliminary adoption and through to August when we bring them to you for final adoption. So I just wanted to kind of give you that to look ahead on those three rules.

And are there any questions? If not, I will turn

it over to Susan Bem to talk about 4-2 and 9-1. Susan, do you want to come up?

MS. SUSAN BEM: My name is Susan Bem and I work in the Air Programs branch of Air Quality. And I wanted to go over or to explain some of the changes that we are proposing for Rule 4-2 Incinerators and 9-1 Carbon Monoxide Omissions.

As Kathy already mentioned, since the Sunset rulemaking, we have received some comments on these rules because there is some language that's outdated and unclear. And in the last few years there has been a lot of changes at the federal level for incinerators. EPA has promulgated rules for a couple different categories that we have already adopted at the state level like for medical or hospital infectious, medical waste incinerators, and municipal waste combustors.

So we were running -- there started to become an issue where we were having -- there was multiple applicable particulate matter emission limits even through Rule 4-2, and then these federal incinerator regulations for the different categories.

And so one of the changes that we're proposing to make is if you are already subject to particulate matter emission limit because of one of the incinerator rules that EPA has already promulgated that we adopted at the

state level in that particulate matter emission limit is more stringent, then you are exempt from the PM limit in 4-2.

EPA is also working on adopting more rules in the future for a couple other -- for additional categories. I guess recently they just published one for commercial industrial solid waste combustion units, and then in the future they may be working on rules for some of the smaller categories like crematories and pathological incinerators. So with this exemption, 4-2 will still apply or still have a particulate matter emissions limit for the source that there is no other rule affecting them like the ones I just mentioned with the crematories.

And then through the comments that we had received through the Sunset rulemaking, there was a couple other changes that were requested because the language was unclear or the source wouldn't be able -- the requirement is that you cannot verify compliance with them because they're almost impossible to meet.

Like 4227 addresses, the emissions of hazardous material or the prevention of emissions of hazardous material and that language doesn't make sense with now we have emission limits saying you can emit hazardous or have up to a certain emission limit. You know, we have language in this rule that says it must be prevented which

is impossible. So we are agreeing with the commenter to go ahead and delete that requirement.

There are some other requirements that were commented or suggested that we delete that we at this time are not proposing to delete in the version of the draft rule that we have for preliminary adoption today. But we are most likely -- we are willing to work with the commenter to address those additional deletions that are requested before final adoption. So there may be some other changes that we need to be looking at on 4-2.

Now I can go ahead and address 9-1 also, correct? Then Rule 9-1 affects the carbon monoxide emission limits. We had received a comment saying that we have a similar situation if you are subject to a carbon monoxide emission limit in another incinerator rule that you should be exempt from this rule. But we are proposing to make that exemption.

And then as we were internally looking through different changes that we might want to make to this rule, we had some comments from inspectors that the rule requires the source to use an afterburner and that not all these afterburners are working properly. So we are proposing to add a temperature requirement to the afterburners of 1300 farenheit. But this would only affect the sources still subject to the rule such as

crematoriums and small incinerators, maybe ones at grocery stores or any pathological incinerators that are exempt from the hospital medical infectious waste incinerator standard.

That covers all the proposed changes that we have addressed in this draft rule today. And if there are any other questions, I can answer those.

MR. JOHN WALKER: Board members, other questions? Thank you. We are now into the commenters' section. Commenters will be given approximately five minutes to provide testimony. At this time I would like to call Bernie Paul. Bernie, state your name and your affiliation.

MR. BERNIE PAUL: I'm Bernie Paul and I work for Eli Lilly in their Environmental Affairs Group, I'm one of the corporate airheads that looks at air regulations and comes to these meetings and tells you about some of our issues.

I want to thank you for the opportunity to talk about these rules today, and I will admit that I am the commenter that Susan mentioned in her discussion. Although the record that you have indicates that there were no comments submitted, I would like to explain that. The staff was nice enough to consider the comments that we had submitted even though they came in -- they were

legally submitted late to IDEM because we had a mail room problem and I wasn't around that day to fix the mail room problem. So the comments came in late, but I really appreciate the fact that the staff read my comments and took them into consideration and made some of the changes that I had suggested.

I am here today because not everything that I suggested was taken into account and I want to try to explain some of these issues to you so you can have a better understanding of them.

The rules that you are considering today have been explained already before you because they are going to Sunset or expire at the end of this year, and they need to be readopted so they can remain in effect and be put back into the state implementation plan. And the purpose of the Sunset process is to require the Board to periodically reevaluate whether or not these rules still make sense, whether they're achieving their intended purpose and other factors that go into whether or not the laws ought to stick around.

From our perspective there are two significant criteria that we think the Board ought to look at any time there is a rule going through this readoption process as long as it exists. According to Janet in the discussion earlier, maybe we won't have any more readoption process

for the air rules.

The first criteria that we think that you ought to take a look at, every time a rule is up for readoption is whether or not it is achieving its intended purpose, whether it's still necessary because other regulations have come into place or that particular issue is no longer an issue. It seems pretty logical.

The second criteria that we would want you to look at is whether or not those rules are -- meet current modern standards for how well a rule should be written. In the last 25 years we have learned a lot about how to write air pollution control regulations. And a lot of these rules that you're seeing come up for readoption are old and they don't meet those standards.

I want to explain a little bit as to why clear regulatory language is very important to companies like Lilly, primarily because we need to know what it is exactly that we're supposed to comply with. An operator at one of our plant sites needs to have a good understanding of everything that is in the rules so that he knows what to do on a day-to-day basis to assure compliance.

This has become a much bigger issue for industries today than it has been in the past because of the Title V permit program. There are about 750 sources

in Indiana and another 700 or so that are subject to the FESOP program. So we've got 1400, 1500 plant sites in the state of Indiana that are subject to a Title V program or a Title V life program where each year that company is expected to certify compliance with all the air pollution control requirements.

In order to be able to get that compliance certification, you really have to understand what your requirements are and the rules have to be spelled out clearly. This puts an extreme burden on us to make sure that everything that is spelled out in the rules and permits is very, very clear to us.

Companies take this compliance certification pretty seriously. The person who signs compliance certification may be a vice president of the company, the plant manager or some other high ranking official within the company. They have the potential of going to jail if the certification is not completely true or there are other problems with it.

So these guys really want the folks who are implementing the Clean Air Act programs to make sure they understand what all the requirements are and they are in compliance every single minute of the year because that compliance certification has to report all instances where you are not in compliance. And so a lot of companies are

setting up fairly complex internal management systems to be able to manage this difficult task.

So for the sake of Title V compliance certifications alone, the Board should do all it can do to eliminate vague and open-ended regulatory requirements that will end up in the top five permits. And both rules 4-2 and 9-1 which apply to incinerators that Lilly owns at four different sites, and I expect there are probably tens if not hundreds of other incinerators that are subject to these rules.

These rules were adopted in the '70s, and for the most part they have remained unchanged over the years. So they are like disco music, shag carpet, and avocado green appliances, they're outdated and they need to be fixed, they need to be modernized and brought up to today's current standards.

Rule 4-2 is the worst of the two in our view. For many incinerators this rule has been pretty much superseded by the new wave of standards that have come out by the federal government. There is, as Susan mentioned, medical waste incinerators, hazardous waste combustors, industrial solid waste, just a whole slew of different types of incinerators.

Those standards are very rigorous, very detailed, and very comprehensive. They cover a wide range of

pollutants and operations and they pretty much ensure that a company has to operate an incinerator about as well as they can in operation in order to continue. A lot of people have shut down incinerators as a result of these new standards.

IDEM only proposes to exempt part of the 4-2 requirements for sources who are subject to these other standards. And Lilly, and I'm sure other people would believe that if you are subject to one of these more comprehensive federal incinerator rules, you should be exempt from all of 4-2.

So at the end of the handout that I gave you there are some suggested rule language that would do that, would clarify that if you are subject to any of the federal incinerator standards that have come out in the last few years, you are exempt from all 4-2. And that's because the rest of 4-2 really doesn't require much in comparison to what those new rules do.

In addition, there are some incinerators out there that aren't subject to some of the new standards. They probably will be in the coming years, but right now they're not. So we need to keep some things about 4-2 still in place. But there are many provisions in that particular rule that are so vague and open-ended it is impossible for a company to really know whether they're in

compliance and how would they do their compliance.

A couple examples, if you would look at Items 4 and 5 in 4-2, in your draft probably 4-2A. One deals with maintaining your incinerators specified by the manufacturer's recommendations and operating the incinerator in accordance with the manufacturer's recommendation. This is just an example.

What are these operators or these manufacturer's recommendations and how do they really fit in with good air pollution minimization processes? It is very, very possible that you might have a 25-year-old incinerator and those manufacturer's specifications don't fit with how you operate that incinerator anymore. You may have to operate it differently in order to comply with new regulatory requirements or to comply with emission limits of the rule.

So without really specifying what the specific parameters are about the operation that you need to operate at, that type of open-ended language just makes it extremely difficult for people to understand what they're supposed to do, how they're supposed to comply, and how they're supposed to certify compliance.

A couple of other provisions in that rule have similar broad-sweeping language that really doesn't say much. There is a provision in there about incinerators

not causing a nuisance. And while I don't disagree that it shouldn't be an objective of the State of Indiana that any operation not cause a nuisance, it's impossible for a company to certify compliance with that provision because they don't know if they're causing a nuisance. Only the people who live outside the boundaries of the plant site can tell them whether they're operating a nuisance. How do you do a compliance certification on that basis?

yes! Too subjective

And if you struck that language out, there are still state nuisance laws that would allow you to allow IDEM or the Attorney General's Office, whomever can enforce that particular provision, to bring an action against it.

If you look at the last page, you can see all of the things that we would wish to have stricken out, and it's basically everything but the first two aspects about the design of an incinerator, which is fairly specific, and the emission limitation.

On Rule 9-1, we don't have as many issues with that. In fact, we agree with what IDEM has proposed to do with that particular rule in that they are attempting any source that's subject to these new wave of incinerator standards from the carbon monoxide limits in 9-1. But we're not here today able to either support or disagree with this requirement that incinerators are required to

operate their afterburners at 1300 degrees because we haven't had time to talk to all the people at our plant sites about the operation of our incinerators and see if that's going to be a problem.

And at this point I would like to interject that this is a concern of mine that this requirement is something that has been newly added to the draft rule since the time of public notice. The last time this was public notice was in January and it wasn't made available to the public until very recently, probably within the last week or so.

I have a lot of concern with this where the agency establishes the new requirements to the rule and people don't have the opportunity to know that that is going to be a new requirement if preliminarily adopted and the rule suddenly takes on a lot more weight and credibility and it gets a lot more difficult to change.

So I would urge you right now to keep out that 1300 degree limitation because we don't know what it means to people. If there are 100 incinerator operators in the state, we don't know if that's going to be something difficult for them to meet or something easy for them to meet because these folks haven't been on notice, this is suddenly going to be a new requirement for them.

We also don't know all the cost implications of

this particular provision. IDEM staff suggests that it would cost about $200 for a portable thermometer. One engineer at a plant site said that I talked to suggested it was more in the tens of thousands of dollars range to be able to monitor the temperature of an afterburner because you need something more in line of a permanent thermocouple that would be installed and have protective sheathing and so forth that would protect it from the high heat.

It would have to be connected to some sort of data collection system, typically a computer. And if you have got to comply with it, you are going to have alarm systems and all kinds of things. So it is more of a technological barrier than might be otherwise suggested.

And, you know, I don't know if this is going to be a problem for Lilly or not, I still don't have all the data. And it may be a more difficult problem for operators of smaller incinerators elsewhere in the state. So I would urge you to strike that language before you preliminarily adopt it because the public just hasn't had adequate time to comment on that provision.

Thank you for the opportunity to talk about some of the issues that we have. If you have any questions about any of the things that I have presented to you today, I would like to answer those if I could.

MR. HOWARD CUNDIFF: If you have got the change that you were wanting, to exempt incinerators from these requirements if they were subject to any one of the other five, does that take your problem away or do you still have problems?

MR. BERNIE PAUL: We still have three incinerators that are not subject to any of the new standards. We suspect they will be some time in the next five years, but until those standards come out we would still have to comply with 4-2.

MS. KATHY WATSON: Can I just make a quick comment, too, that the way we have set this up to meet federal standards come promulgated, they would be picked up particularly when we update our CFR references so that we can get the amendments to bring those new federal standards --

COURT REPORTER: Could you please speak up, I am having trouble hearing you.

MS. KATHY WATSON: That as new federal standards are promulgated, the way we have written the language here would allow us to bring those federal standards, a reference for those, into our rules into our annual CFR update.

MR. BERNIE PAUL: My suggestion now, what you have before you now mirrors the citations that the staff

had put in the draft rule. I just put them in a different place to make it clearer. The entire rule would not apply to somebody subject to those standards.

MR. JOHN WALKER: Yes, David?

MR. DAVID BENSHOOF: Two questions that I have and would like for IDEM to comment if they would, why did we go with the partial exemption on just the particulate emission and not a full exemption if they are already subject to more stringent incinerator regulations? That would be one question, and then the other question is just to respond back to the comment that was made by Bernie on the last part of his comments on the 1300 degrees and those incinerators that would be subject that have not had time to deal with comment on that. I mean, that's of little concern to me.

MS. KATHY WATSON: The reason that we didn't exempt the incinerators that are subject to federal standards completely out of the rule is because some of the provisions in 4-22, for example, are not in federal rule, they are state rule language that we have looked at and thought should still apply to incinerators. And so I mean we can have further discussions about those provisions with Bernie after today, but we had looked at those and made a determination that we felt that it was justified to keep these in the rule at this time. But we

are willing to have further discussions about that.

As far as the temperature requirement, this is something that our compliance staff had looked at this rule as we were evaluating it under Sunset and looking at updating it, and they had requested that we put that in the rule. It's a requirement that is in -- is reflected in similar rules in other states and, in fact, as one of our rule writers said, we kind of stood out as the state that didn't have that requirement. So we felt that it was appropriate to put in there.

Now, once again, as far as an ability to discuss it further, we would be happy to have further discussions with interested parties about the impact of that before final adoption. We do have a further opportunity to discuss any provision of this rule after today.

THOMAS ANDERSON: I have a question on that. So we had the afterburner requirement without any specifics?

MS. KATHY WATSON: That's correct. There was a requirement to operate with an afterburner but no temperature specified.

MR. DAVID BENSHOOF: Why 1300? Is that --

MS. JANET MCCABE: That was recommended by our compliance staff and it is my understanding that that represents basically any stream standards. So that's what other states have in their rules, common place standards.

And we will also have a third comment period on this rule as well.

MR. JOHN WALKER: So in the interim you will work with Bernie and any other interested party to make sure that those comments are considered?

MS. KATHY WATSON: Sure.

MR. BERNIE PAUL: Could I ask a question? How will other incinerator owners be made aware of the change you've made? Will it be during basically the traditional rulemaking process that -- when the third notice that shows what the Board preliminarily adopted as published in the Indiana Register?

MS. JANET MCCABE: There would be that opportunity, and we can make some additional efforts to identify folks who are covered by this rule.

MR. BERNIE PAUL: I don't even know how many of those folks there are in the state.

MR. JOHN WALKER: Any other comments?

MR. DAVID BENSHOOF: The only other comment I was going to make on that is obviously there is a discretion here over cost of what --

MS. JANET MCCABE: David, I'm sorry, can you speak up? People are having trouble hearing you.

MR. DAVID BENSHOOF: Yeah. The other thing I see here is the cost of what this thermometer might be. I

mean it is clear that if you are going to put something at 1300 degrees it is going to be an ongoing type of process and it is going to have to be fairly rigid in its design. I would think that $200 would be a fairly low estimate on what that might cost a facility. Again, I don't know, but maybe that's part of the questions that could be asked of these people because this is a compliance issue. Is this going to be immediately effective or is there going to be a window of opportunity for people to be able to budget for this in their businesses or what is going to be the date of compliance?

MS. KATHY WATSON: Let me answer the first concern. We did contact vendors about what would need to be -- how they would be able to monitor this and this is the information we received contacting several vendors. We did not get information back that this was a $10,000 system, so that was news to us because we contacted several people about the rule and received information back. So it may not be $200, there may be some range of price, but we didn't see it as being an exorbitant expense such that -- also such that you would need to budget in time for compliance. And I think that's -- I mean it would be one thing if it was a $10,000 expense, it would be something else for a couple hundred dollars so --

MS. JANET MCCABE: And if it turns out to be more

on the upper end of that range, we can certainly provide in the rule that we give folks time to come to compliance.

MR. DAVID BENSHOOF: That would be helpful. I know as a business, I mean I can do budget and process in October and we have, you know, a budget that goes in line with 2001 and we're talking we're going to adopt something that is going to be closer to $1000, $1500, that's an expense that --

MS. JANET MCCABE: Right. We just didn't have any reason to think that it was going to be on that end of things and that's something we'll investigate further.

MR. BERNIE PAUL: I think it may have been perhaps the way the question was asked that somebody asked how would you -- what would it cost to measure temperature in an afterburner, somebody said, well, you could use a thermometer and stick it in there and that might cost $200. But to be able to do it on an ongoing basis to demonstrate compliance, that's a whole different story. We wouldn't buy it even if you had to periodically stick it in there because that would be more labor.

It probably would have been better to ask some sources who had actually complied with that type of provision. And then in Title V again, every time I come up here the next five years I'm going to talk about Title V because of these compliance certifications. If there is

a requirement in the rule that requires me to operate an incinerator with an afterburner at 1300 degrees, I need a system that's going to show me how that works.

Well, most likely I'm going to buy an automated system so I'm not climbing up on the stack and sticking something in the stack periodically. And an automated system is going to cost money because you have to have a special type of equipment, you have got to have computers to log the data, you have got to have people to monitor the data, you have got to have an alarm system to let you know to shut the thing off if you're not complying with the standard because you don't want to certify non-compliance during any period of the year.

So these types of decisions carry a lot more ramifications than people might think and that's the purpose of this comment period, to let you all know what those ramifications are. But to me it's a dangerous precedent for the staff to inject new requirements before something gets preliminarily adopted when the availability of that information has been very time limited for the public.

And I would ask the Board, whenever there are changes between what comes out of the second notice and what you are presented when the preliminary adoption is given you, you should ask IDEM whether or not stakeholders

have been consulted about that change. Typically they will not have much time to give their views on whether it is a good or bad provision.

MR. THOMAS ANDERSON: Would you agree that the 1300 degree afterburners will be more protective of the environment?

MR. BERNIE: Yes, absolutely. And it may not be a problem for people. I was able to collect information from some of our sites and they were easily able to meet that requirement. So it is not so much an environmental protection issue as an administrative issue and that's a lot of expense.

MR. HOWARD CUNDIFF: One more question. I would have a concern, and we can take a look at it, too, that Bernie kind of raised and that is the requirement that you suggest that the incinerators meet manufacturer's recommendations for operation, which would be fine for incinerators that don't have any other standards. But if they're an old incinerator and they're trying to meet present-day standards, maybe they have to be modified to meet those present-day standards and not comply with the manufactured recommendations, whereas you would probably want to maintain those that don't have any other limits to meet. We probably do need that.

But it would seem they need to be exempted if

they have the other federal requirements to meet and to meet present-day requirements and modifications that have been made over the year.

MR. JOHN WALKER: Thank you, Bernie, for your testimony. I will now call on Michael Scanlon.

MR. MICHAEL SCANLON: My name is Mike Scanlon, I'm an attorney for Barnes & Thornburg. I'm here on behalf of Monaco Coach Corporation. These comments go to some of the rules that were not commented on in the second period. These comments were newly -- were developed very recently and I ask if they've had a chance to go over them with IDEM.

We do appreciate the opportunity to talk to you today about them and are aware of the concerns, and as this rule progresses, see if they can be included as the rule goes forward. Basically we want to look at these comments are supported by a couple of different companies up in the Elkhart, Ball Corp, Charleston Corporation, and Acre Plastic Sculpturing, Industries of Jaco, Incorporated.

Basically, what we want to look at are two rifle shots, two concerns we have had, one with 1-6. And in both 1-6 and with some of the reporting requirements, these issues have been brought to IDEM on a case-by-case basis through permitting. But since this rulemaking is

going through, we think it may be appropriate that it be reviewed at this time.

Specifically on 1-6 what I would like to do is paraphrase my testimony instead of reading it to you. But basically there is one major concern with 1-6. 1-6 as it currently is written requires all emission control units to have preventative maintenance plans as in 163. Preventative maintenance plans make a lot of sense for a lot of different pieces of equipment, particularly the baghouses, oxidizers, things that could have an impact if maintenance is not performed or the machine goes down or there is a malfunction with the machine and you have an emission.

Because, though, there is not a definition for what the emission control device is, there is no limitation on what that applies to. We found that IDEM has been forced to apply these rules to small units or things that really don't have what we believe the same sorts of concerns that more traditionally emission control units have. Things like units that control emissions that are vented within a building, units that have an emission control device on them, but the emission control device isn't necessary to read any applicable emission. Emission units that, frankly, if they don't operate emission control units, if they don't operate they're not going to

cause an increase in emissions. Or for emission units that are associated with trivial or small activities.

For that reason, we believe that at this time because IDEM has legitimately been constrained under 163, we think that because of the developments of this technology there ought to be an exclusion included in the requirement that removes the preventative maintenance plan requirements from some of these smaller units.

Let me give you an example. One of the ones we run with traditionally with these industries are spray guns. You will often have to have a battery filter associated with those. The fabric filter with the attachable fan, there are basically only two pieces of equipment that can go wrong with that thing and oftentimes the particulate filters, but they're not because we're trying to control, not because we need to meet an emission limit on particulates, we can do that without anything. But it also helps control the indoor air quality within the facility.

Preventative maintenance plans have been applied to those kinds of units, and in that situation there really are only two things that can go wrong; one of them is a fan and if a fan was acting up and had emissions, the others are the filters. The filters are already on preventative maintenance or already on schedules to take

care of these, and actually, as a matter of fact, are oftentimes included as part of operator training programs that IDEM has allowed these types of equipment to use in place of more traditional monitoring.

Other units are indoor woodworking equipment that may have some sort of small bag collector associated with them. Those units will vent oftentimes inside the facility, and they will, again, have PMPs associated with them even though they don't directly vent to the atmosphere. There are many ways to control indoor air quality.

So what we would recommend is that with these smaller pieces of equipment that IDEM -- that we work with IDEM to come up with what should be included in this exception. But specifically, as I mentioned, the things that we were looking and the things that I've included in my testimony are items that have no impact if you don't do maintenance on them, items that are vented indoors, items that are not necessary to meet any emission control requirement, and other similar types. The devices are associated with insignificant or trivial activities.

The second big problem that a number of these facilities have is reporting. I have identified in these requirements basically four areas, 8-7, 8-9, 8-11, and 18-2. They have specific deadlines when those reports

have to be submitted.

What we would propose as these rules have expanded and as permitting data gathering requirements of the permits have increased, facilities now are having to gather much more data than they used to in the past. And because of that, because of having to analyze all this data, oftentimes these time periods that are in regulations are becoming unworkable. Frankly, it is difficult to get all the data put together within the 30-day time period and submit the report that needs to be submitted.

What we would suggest, and frankly 30 days is probably a nice place to start, we would suggest that an alternate approach to these regulations would be to include a provision that would require IDEM and the company involved through a permitting process or through some other authorization to determine what the appropriate time frame is to report. The facility frankly cannot physically gather the data within 30 days. They will be able to come forward to IDEM and explain why they can't do that to get that included in the permit.

The problem is arbitrarily including that through a rule gives the company no ability to negotiate that, frankly doesn't give IDEM much ability to negotiate it either if a company can make a good showing. So we would

propose that the Board consider -- the Board and IDEM consider these issues as this rule progresses. If there are any questions, I would be happy to answer them.

MR. JOHN WALKER: Thank you. Are there questions? Board members, would you like to question or comment on anything he said?

MR. BENSHOOF: Yeah. What was the reasoning not to have a preventative maintenance plan applied to an operation that is vented into a building?

MR. MICHAEL SCANLON: Well, the preventative maintenance plans, the entire air pollution requirements deal with emissions to ambient air. IOSHA has its own set of requirements that deal with indoor air quality and we have to comply with those as well as any quality requirements.

PMPs may very well make some sense, but it should be on a company-by-company basis to see how best they feel they need to make sure that this equipment operates. I guess the issue that has come up is that IDEM has taken position and it's -- that even though it evens the outdoor -- indoor can get it outside, the problem is that that has a trickle-down effect that causes these units to have to comply with a number of requirements including PMP.

And if we're dealing with something that's

frankly simple, a bag filter, it is almost -- the PMP that's put together is somewhat ludicrous. So what we're requesting is that some consideration be put in. The PMP while important -- well, critical for some pieces of equipment, may not be appropriate for everything and that there be some consideration because some small units may not need them.

MR. JOHN WALKER: Thank you. No other questions? Then IDEM would like to comment.

MS. JANET MCCABE: Yeah. Let me just reply. I'm sorry that Mr. Scanlon and I didn't talk about these things before the board meeting, but you can contact us to let us know of these concerns. And I am a little frustrated because we were -- tried to make every effort through this Sunset rulemaking to make sure that people had the opportunity to give us specific suggestions on things.

The comments that -- the provisions that you're commenting on were raised during the first comment period when we published the draft rules. And the second notice of the comment period, we specifically asked people for suggested rule language. We personally called Monaco Coach because they had commented on the first comment period and said we'll do this again, we would like your specific ideas. And we didn't get any comments during the

second comment period, which was in October, and haven't heard a word from anyone since.

So, unfortunately, we're not prepared today to talk to you about the specifics of the comments that have been raised, nor have the right people here from the Department to respond to the very specific issues about the preventative maintenance plans. And it would make for a much better informed discussion if we had had that warning.

I know we have spent a great deal of time with companies as we have worked through Title V and FESOP permitting issues on preventative maintenance plan topic and have tried to be -- work out as best we can issues with -- in our view, preventative maintenance plans are a good thing generally. And while there may be some situations in which you need them more than others, I think it is a very important policy that we generally require them.

We would be glad to sit down with Mr. Scanlon and any of his clients to talk about any of these specific issues. He is urging generally that we do things more case by case than setting out clear standards in the rules that apply to everybody equally and that's a policy issue that I think is worthy of some thought and discussion.

So I would urge you to go ahead and propose the

rule today. Obviously it is not -- nothing is set in stone until we come back and ask for final adoption and we will work with him on specific issues, we will work with Bernie on his specific issues and bring back a rule where we can explain to you our final position on all of these issues.

MR. JOHN WALKER: Thank you board members. Anyone? Okay. I don't have any more cards, but if there is anyone out in the public area that would like to give testimony, now is the time. Okay. This hearing is now concluded.

The Board will now consider for preliminary adoption amendments to Rule 326 IAC 4-2 Incinerators, and 326 IAC 9-1 Carbon Monoxide Emission Limits. We will consider readoption of Rules 326 IAC 1-6 Malfunctions; 326 IAC 8-7 Specific VOC Reduction Requirements for Lake, Porter, Clark and Floyd Counties; 326 IAC 8-9 Volatile Organic Liquid Storage Vessels; 321 IAC 8-11 Wood Furniture Coatings; 326 IAC 18-2 Asbestos Training Course Requirements for Approval; and the third item, repeal of 326 IAC 19-1 Employee Commute Options. We will break these up into threes here, A, B, C, and D.

Is there a motion to preliminarily adopt amendments to Rule 326 IAC 4-2 and 326 IAC 9-1?

MR. THOMAS ANDERSON: So moved.

MR. JOHN WALKER: Second?

DR. STEVENS: Second.

MR. JOHN WALKER: Second by Dr. Stevens that would preliminarily adopt amendments to Rules 326 IAC 4-2 and 326 IAC 9-1. All those in favor?

(Aye was heard.)

MR. JOHN WALKER: Opposed?

MR. DAVID BENSHOOF: The two that we are looking at is just the two you said, right?

MR. JOHN WALKER: Yeah.

MR. DAVID BENSHOOF: The incinerators. The ones that we had the extensive comment on, no, I'm opposed to those.

MR. JOHN WALKER: Okay. Let the record show the one. But the motion carries. Preliminarily readopt rules 326 IAC 1-6, 326 IAC 8-7, 326 IAC 8-9, 326 IAC 8-11, 326 IAC 18-2. Is there a motion to adopt?

MR. HOWARD CUNDIFF: So moved.

MR. JOHN WALKER: Moved by Howard Cundiff. Second?

MR. THOMAS ANDERSON: Second.

MR. JOHN WALKER: Second by Tom Anderson that we preliminarily readopt Rules 326 IAC 1-2, 326 IAC 8-7, 326 IAC 8-9, 326 IAC 8-11, 326 IAC 18-2. All those in favor say aye.

(Aye was heard.)

MR. JOHN WALKER: Opposed?

(Nothing heard.)

MR. JOHN WALKER: The motion carries. Preliminarily repeal 326 IAC 19-1?

MR. MARLOW HARMON: So moved.

MR. JOHN WALKER: Moved by Mr. Harmon, seconded by Mr. Cundiff to preliminarily repeal 326 IAC 19-1. All those in favor say aye.

(Aye was heard.)

MR. JOHN WALKER: All those opposed?

(Nothing heard.)

MR. JOHN WALKER: The motion carries for preliminary repeal of 326 IAC 19-1.

That takes care of the business before us. The next meeting I think is tentatively set -- next Air Pollution Control Board meeting is tentatively set for Thursday, April 12. That would be in the second week traditionally. We meet in the first week, first Wednesday. Make sure your calendar is correct, it's April 12, 2001 at 1:00 p.m., Conference Room B, Indiana Government Center South, Indianapolis, Indiana.

For confirmation, please call the Office of Air Quality at 317-233-0426 or 800-451-6027, Extension 3-0426, or you can use the website at

www.state.in.us/idem/oam/airboard.

That is the -- any other matters before the Board, please express them now. Okay. Is there a motion for adjournment?

DR. MINER: So moved.

MR. JOHN WALKER: Second?

MR. HOWARD CUNDIFF: Second.

MR. JOHN WALKER: This meeting is adjourned.

(Meeting adjourned at 2:20 p.m.)

CERTIFICATE

STATE OF INDIANA)
) ss:
COUNTY OF TIPTON)

I, Heather S. Orbaugh, the undersigned Court Reporter and Notary Public residing and maintaining offices in the City of Tipton, Tipton County, Indiana, do hereby certify:

That I reported to the best of my ability in machine shorthand all of the words spoken by all parties in attendance during the course of the ensuing proceedings, including objections, if any, made by all counsel present;

That I later reduced my shorthand notes into the foregoing typewritten transcript form, which typewritten transcript is a true record to the best of my ability of the testimony given by the witness as stated above;

That I am not a relative or employee or attorney or counsel of any of the parties, nor am I a relative or an employee of such attorney or counsel, and that I am not financially interested in this action.

IN WITNESS HERETO, I have affixed my Notarial Seal and subscribed my signature below this 16th day of April, 2001.

Heather S. Orbaugh

Notary Public
County of Residence: Tipton (Seal)
My Commission Expires on: April 20, 2001

Exhibit 1

Drm0044
Sunset Reauthorization
March 7, 2001

TITLE 326 AIR POLLUTION CONTROL BOARD

DRAFT RULE
#00-44(APCB)

DIGEST

Amends 326 IAC 4-2 and 326 IAC 9-1 and considers for readoption 326 IAC 1-6, 326 IAC 8-7, 326 IAC 8-9, 326 IAC 8-11, and 326 IAC 18-2. Repeals 326 IAC 19-1. Effective 30 days after filing with the secretary of state.

HISTORY

First Notice of Comment Period: March 1, 2000, Indiana Register (23 IR 1488).
Continuation of First Notice of Comment Period: May 1, 2000, Indiana Register (23 IR 2109).
Second Notice of Comment Period: October 1, 2000, Indiana Register (24 IR 132).
Republication of Second Notice of Comment Period: January 1, 2001, Indiana Register (24 IR 1139).

326 IAC 1-6-1
326 IAC 1-6-2
326 IAC 1-6-3
326 IAC 1-6-4
326 IAC 1-6-5
326 IAC 1-6-6
326 IAC 4-2-1
326 IAC 4-2-2
326 IAC 8-7-1
326 IAC 8-7-2
326 IAC 8-7-3
326 IAC 8-7-4
326 IAC 8-7-5
326 IAC 8-7-6
326 IAC 8-7-7
326 IAC 8-7-8
326 IAC 8-7-9
326 IAC 8-7-10
326 IAC 8-9-1
326 IAC 8-9-2
326 IAC 8-9-3
326 IAC 8-9-4
326 IAC 8-9-5
326 IAC 8-9-6
326 IAC 8-11-1
326 IAC 8-11-6
326 IAC 8-11-7
326 IAC 8-11-8
326 IAC 8-11-9
326 IAC 8-11-10
326 IAC 9-1-1
326 IAC 18-2-1
326 IAC 18-2-2
326 IAC 18-2-3
326 IAC 18-2-4
326 IAC 18-2-5
326 IAC 18-2-6
326 IAC 18-2-7
326 IAC 18-2-8
326 IAC 18-2-9
326 IAC 18-2-10.1
326 IAC 18-2-11
326 IAC 18-2-12
326 IAC 18-2-13
326 IAC 18-2-14
326 IAC 19-1-1
326 IAC 19-1-2
326 IAC 19-1-3
326 IAC 19-1-4
326 IAC 19-1-5

326 IAC 8-11-2
326 IAC 8-11-3
326 IAC 8-11-4
326 IAC 8-11-5
326 IAC 19-1-7
326 IAC 19-1-8
326 IAC 19-1-9

SECTION 1. 326 IAC 1-6-1 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 1-6-1 Applicability
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. This rule applies to the owner or operator of any facility required to obtain a permit under 326 IAC 2-5.1 or 326 IAC 2-6.1. *(Air Pollution Control Board; 326 IAC 1-6-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2380; filed May 25, 1994, 11:00 a.m.: 17 IR 2238; filed Nov 25, 1998, 12:13 p.m.: 22 IR 980)*

SECTION 2. 326 IAC 1-6-2 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 1-6-2 Records; notice of malfunction
Authority: IC 13-17-3-4; IC 13-14-8
Affected: IC 13-17-3

Sec. 2. (a) A record shall be kept of all malfunctions, including startups or shutdowns of any facility or emission control equipment which result in violations of applicable air pollution control regulations or applicable emission limitations and such records shall be retained for a period of three (3) years and shall be made available to the commissioner upon request. When a malfunction of any facility or emission control equipment occurs which lasts more than one (1) hour, said condition shall be reported to the commissioner or his appointed representative. Notification shall be made by telephone or telegraph, as soon as practicable, but in no event later than four (4) daytime business hours after the beginning of said occurrence. Failure to report a malfunction of any emission control equipment subject to the requirements of this rule (326 IAC 1-6) shall constitute a violation of this rule (326 IAC 1-6) and any other applicable rules. Information of the scope and expected duration of the malfunction shall be provided including the following:

(1) Identification of the specific emission control device to be taken out of service, as well as the location and permit number of such equipment.

(2) The expected length of time that the emission control equipment will be out of service.

(3) The nature and quantity of emissions of air contaminants likely to occur during the shutdown period.

(4) Any measures such as the use of off-shift labor on equipment that will be utilized to minimize the length of the shutdown period.

(5) Any reasons that shutdown of the facility operation during the maintenance period would be impossible for the following reason:

(A) continued operation is required to provide essential services, provided, however, that continued operation solely for the economic benefit of the owner or operator shall not be sufficient reason;

(B) continued operation is necessary to prevent injury to persons or severe damage to equipment.

(6) A demonstration that interim control measures have reduced or will reduce emissions from the facility during the shutdown period.

(Air Pollution Control Board; 326 IAC 1-6-2; filed Mar 10, 1988, 1:20 pm: 11 IR 2380; errata, 11 IR 2632)

SECTION 3. 326 IAC 1-6-3 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 1-6-3 Preventive maintenance plans
Authority: IC 13-17-3-4; IC 13-14-8
Affected: IC 13-17-3

Sec. 3. (a) Any person responsible for operating any facility specified in 326 IAC 1-6-1shall prepare and maintain a preventive maintenance plan including the following information:

(1) Identification of the individual(s) responsible for inspecting, maintaining and repairing emission control devices.

(2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions.

(3) Identification and quantification of the replacement parts which will be maintained in inventory for quick replacement.

(b) Preventive maintenance plans shall be submitted to the commissioner upon request and shall be subject to review and approval by the commissioner. As deemed necessary by the commissioner, any person operating a facility shall comply with the requirements of subsection (a).*(Air Pollution Control Board; 326 IAC 1-6-3; filed Mar 10, 1988, 1:20 pm: 11 IR 2381)*

SECTION 4. 326 IAC 1-6-4 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 1-6-4 Conditions under which malfunction not considered violation
Authority: IC 13-17-3-4; IC 13-14-8
Affected: IC 13-17-3

Sec. 4. (a) Facility owners or operators shall be responsible for operating and maintaining all emission control equipment and combustion or process equipment or processes in compliance with all applicable rules. Emissions temporarily exceeding the standards which are due to malfunctions of facilities or emission control equipment shall not be considered a violation of the rules provided the source demonstrates that:

(1) All reasonable measures were taken to correct, as expeditiously as practicable, the conditions causing the emissions to exceed the allowable limits, including the use of off-shift and over-time labor, if necessary.

(2) All possible steps were taken to minimize the impact of the excessive emissions on ambient air quality which may include but not be limited to curtailment of operation and/or shutdown of the facility.

(3) Malfunctions have not exceeded five percent (5%), as a guideline, of the normal operational time of the facility.

(4) The malfunction is not due to the negligence of the operator.

(b) No facility shall be operated unless the air pollution control device(s) and measures are also in operation simultaneously and are not bypassed, unless necessary to prevent damage to equipment or injury to persons or unless there is a malfunction and the requirements set forth in subsection (a) of this section are met.

(c) Excessive emissions shall be brought into compliance with all practicable speed, and appropriate action, including those set forth above, to correct the conditions causing such emissions to exceed applicable limits; to reduce the frequency of occurrence of such conditions, to minimize the amount by which said limits are exceeded, and to reduce the length of time for which said limits are exceeded. These actions shall be initiated as expeditiously as practicable. *(Air Pollution Control Board; 326 IAC 1-6-4; filed Mar 10, 1988, 1:20 pm: 11 IR 2381)*

SECTION 5. 326 IAC 1-6-5 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 1-6-5 Excessive malfunctions; department actions
Authority: IC 13-17-3-4; IC 13-14-8

Affected: IC 13-17-3

Sec. 5. The commissioner may consider the following guidance in determining cases of excessive malfunctions. Where records show that repeated malfunctions exceed five percent (5%), as a guideline, of the normal operational time for any one control device or combustion or process equipment, the commissioner may require that the maintenance program be improved or that the defective or faulty equipment or emission control device be replaced. The commissioner may require curtailment of operation of a facility if the owner or operator of the facility or emission control device cannot demonstrate that for the most recent twelve (12) month period the facility and/or the emission control device has operated in compliance with the applicable rules at least ninety-five percent (95%) of the operating time of said equipment. *(Air Pollution Control Board; 326 IAC 1-6-5; filed Mar 10, 1988, 1:20 pm: 11 IR 2381)*

SECTION 6. 326 IAC 1-6-6 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 1-6-6 Malfunction emission reduction program
Authority: IC 13-17-3-4; IC 13-14-8
Affected: IC 13-17-3

Sec. 6. Any owner or operator of a facility which has the potential to emit concentration in excess of the concentrations stated in 326 IAC 1-6-1 shall submit by January 19, 1980, or within one hundred eighty (180) days after a new source commences operation, a malfunction emission reduction program. Said program shall include, but not be limited to, the normal operating emission rate and the program proposed to reduce emissions in the event of a malfunction to an emission rate which will not contribute to the cause of the violation of the ambient air quality standards established in 326 IAC 1-3. The program shall be based on the best estimates of type and number of startups, shutdowns, and malfunctions experienced during normal operation of the facility or emission control device and the scope and duration of such conditions.

Said program may be subject to review and approval by the commissioner. *(Air Pollution Control Board; 326 IAC 1-6-6; filed Mar 10, 1988, 1:20 pm: 11 IR 2382)*

SECTION 7. 326 IAC 4-2-1 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 4-2-1 Applicability
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. This rule (326 IAC 4-2) establishes standards for the use of incinerators which emit regulated pollutants. This rule (326 IAC 4-2) does not apply to incinerators in residential units consisting of four (4) or fewer families or incinerators for which streamlined requirements have been established in accordance with 326 IAC 2-7-24. All other incinerators are subject to this rule (326 IAC 4-2). *(Air Pollution Control Board; 326 IAC 4-2-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2420; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2366)*

SECTION 8. 326 IAC 4-2-2 IS BEING AMENDED AND CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 4-2-2 Incinerators
Authority: IC 13-17-3-4; IC 13-14-8
Affected: IC 13-17-3

Sec. 2. **(a)** All incinerators shall:
(1) consist of primary and secondary chambers or the equivalent;
(2) be equipped with a primary burner unless burning wood products;
(3) comply with 326 IAC 5-1 and 326 IAC 2;
(4) be maintained properly as specified by the manufacturer and approved by the commissioner;
(5) be operated according to the manufacturer's recommendations and only burn waste approved by the commissioner;
(6) comply with other state ~~and/or~~ **and** local rules or ordinances regarding installation and operation of incinerators;
~~(7) be operated so that emissions of hazardous material including, but not limited to, viable pathogenic bacteria, dangerous chemicals or gases, or noxious odors are prevented;~~
~~(8)~~ **(7)** not emit particulate matter in excess of:
(A) incinerators with a maximum ~~refuse-burning~~ capacity of two hundred (200) or more pounds per hour: three-tenths (0.3) ~~pounds~~ **pound** of particulate matter per one thousand (1,000) pounds of dry exhaust gas at standard conditions corrected to fifty percent (50%) excess air; or
(B) all other incinerators: five-tenths (0.5) ~~pounds~~ **pound** of particulate matter per one thousand (1,000) pounds of dry exhaust gas at standard conditions corrected to fifty percent (50%) excess air; and
~~(9)~~ **(8)** not create a nuisance or a fire hazard.
If any of the above result, the burning shall be terminated immediately.

(b) A source subject to subsection (a)(7) and the particulate matter emission limitation in:
(1) 326 IAC 11;
(2) 326 IAC 20;
(3) 40 CFR 60;
(4) 40 CFR 62; or
(5) 40 CFR 63*;
shall comply with the more stringent particulate matter emission limitation.

***Citations to the Code of Federal Regulations (CFR) in this section are incorporated by reference and may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204.** *(Air Pollution Control Board; 326 IAC 4-2-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2421; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1127)*

SECTION 9. 326 IAC 8-7-1 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 8-7-1 Definitions
Authority: IC 13-17-3-4; IC 13-14-8-7
Affected: IC 13-17-3; IC 13-14

Sec. 1. In addition to the definitions contained in 326 IAC 1-2 and 326 IAC 8-1-0.5, the following definitions apply throughout this rule:
(1) "Aggregate emissions of a source" means the sum of the baseline potential emissions from all the facilities at the source of the types listed in section 2(a) of this rule.
(2) "Baseline actual emissions" means the actual emissions for the baseline year.

(3) "Baseline potential emissions" means the facility's potential to emit assuming one hundred percent (100%) use of the highest VOC emitting material used in the baseline year.
(4) "Baseline year" means the year 1990 or later for which the most accurate or complete data are available and are representative of the source's normal operating conditions.
(5) "Fuel combustion facility" means a fossil fuel fired steam generating unit, process heater, or process furnace used exclusively for the purpose of producing steam by heat transfer or for heating an industrial process by heat transfer.
(6) "Industrial wastewater treatment" means the treatment of spent or used water containing dissolved or suspended matter from the following types of industries:
(A) Organic chemical, plastic, and synthetic fiber manufacturing.
(B) Pesticide manufacturing.
(C) Pharmaceutical manufacturing.
(D) Hazardous waste treatment, storage, and disposal facilities.

(Air Pollution Control Board; 326 IAC 8-7-1; filed Dec 22, 1994, 11:45 a.m.: 18 IR 1224)

SECTION 10. 326 IAC 8-7-2 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 8-7-2 Applicability
Authority: IC 13-17-3-4; IC 13-14-8-7
Affected: IC 13-17-3; IC 13-14

Sec. 2. (a) This rule shall apply to stationary sources located in Lake, Porter, Clark, or Floyd County that emit or have the potential to emit volatile organic compounds (VOCs) at levels equal to or greater than twenty-five (25) tons per year (tpy) in Lake and Porter Counties and one hundred (100) tpy in Clark and Floyd Counties. This rule shall also apply to sources that have coating facilities which emit or have the potential to emit a total equal to or greater than ten (10) tpy of VOCs in Floyd, Clark, Lake, or Porter County. In determining whether the thresholds in this section are exceeded, the owner or operator of a source shall include the total potential VOC emissions from the following facilities:
(1) Facilities of the type identified by the following rules, but with actual emissions below the applicability levels of those rules:
(A) 326 IAC 8-2, concerning surface coating operations.
(B) 326 IAC 8-3, concerning organic solvent degreasing operations.
(C) 326 IAC 8-4, concerning petroleum operations.
(D) 326 IAC 8-5, concerning miscellaneous operations.
(2) Facilities of the following types:
(A) Fuel combustion facilities, including process heaters and furnaces.
(B) Wastewater treatment plants, excluding industrial wastewater treatment operations as defined in section 1(6) of this rule.
(C) Coke ovens, including byproduct ovens.
(D) Barge loading facilities.
(E) Jet engine test cells.
(F) Iron and steel production facilities.
(G) Vegetable oil processing facilities.
(3) All other facilities with potential VOC emissions, hereafter referred to as affected facilities except those covered by the rules cited in clauses (A) through (D) and those belonging to source categories listed in clauses (E) through (Q) as follows:
(A) 326 IAC 8-2.
(B) 326 IAC 8-3.

(C) 326 IAC 8-4.
(D) 326 IAC 8-5.
(E) Synthetic organic chemical manufacturing industry (SOCMI) distillation.
(F) SOCMI reactors.
(G) Offset lithography.
(H) Batch processors.
(I) Industrial wastewater treatment operations.
(J) Plastic parts coating for business machines.
(K) Plastic parts coating for automobiles.
(L) Wood furniture coating.
(M) Aerospace coating.
(N) Auto body refinishing.
(O) Ship building and ship repair.
(P) Cleanup solvents.
(Q) Volatile organic liquids storage.

(b) Facilities of the types listed in subsection (a)(1) through (a)(2) are exempt from the emission limit requirements of section 3 of this rule.

(c) Coating facilities that have aggregate potential emissions greater than ten (10) tpy and less than twenty-five (25) tpy in Lake and Porter Counties and coating facilities with aggregate potential emissions greater than forty (40) tpy and less than one hundred (100) tpy in Clark and Floyd Counties shall comply with the certification, record keeping, and reporting requirements of section 6 of this rule.

(d) Affected facilities are subject to the requirements of section 3 of this rule unless the source's actual emissions have been limited on or before May 31, 1995, to below twenty-five (25) tpy in Lake and Porter Counties and one hundred (100) tpy in Clark and Floyd Counties through federally enforceable production or capacity limitations in an operating permit. Until such time as 326 IAC 2-8 has been approved by the U.S. EPA, the operating permit will be submitted to the U.S. EPA by the department as a SIP revision. *(Air Pollution Control Board; 326 IAC 8-7-2; filed Dec 22, 1994, 11:45 a.m.: 18 IR 1224)*

SECTION 11. 326 IAC 8-7-3 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 8-7-3 Emission limits
Authority: IC 13-17-3-4; IC 13-14-8-7
Affected: IC 13-17-3; IC 13-14

Sec. 3. Affected facilities must implement one (1) of the following emissions reduction measures on or before May 31, 1995:

(1) Achieve an overall VOC reduction from baseline actual emissions of at least ninety-eight percent (98%) by the documented reduction in use of VOC containing materials or install an add-on control system that achieves an overall control efficiency of ninety-eight percent (98%).

(2) Where it can be demonstrated by the source that control technology does not exist that is reasonably available and both technologically and economically feasible to achieve a ninety-eight percent (98%) reduction in VOC emissions, a source shall achieve an overall VOC reduction of at least eighty-one percent (81%) from baseline actual emissions with the documented reduction in use of VOC containing materials or install an add-on control system that achieves an overall control efficiency of eighty-one percent (81%).

(3) Achieve an alternative overall emission reduction with the application of reasonably available control technology (RACT) that has been determined as reasonably available by the U.S. EPA and the department. A petition developed in accordance with the procedures in 326 IAC 8-1-5 shall accompany the request for an

alternative overall emission reduction. The petition shall be submitted to the department on or before December 31, 1994. The department may approve an extension until February 28, 1995, for submittal of the petition provided the request is received by the department prior to December 31, 1994.

(Air Pollution Control Board; 326 IAC 8-7-3; filed Dec 22, 1994, 11:45 a.m.: 18 IR 1225)

SECTION 12. 326 IAC 8-7-4 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 8-7-4 Compliance methods

Authority: IC 13-17-3-4; IC 13-14-8-7

Affected: IC 13-17-3; IC 13-14

Sec. 4. (a) If compliance with section 3(1) or 3(2) of this rule is to be achieved with the application of an add-on control system or systems, the following requirements shall apply:

(1) On or before December 31, 1994, the source shall submit to the department a compliance plan containing the following information:

(A) A description of the processes that will be controlled.

(B) A description of the add-on control systems.

(C) A description of the expected control efficiency that will be achieved.

(2) A compliance test shall be performed on the add-on control systems according to the schedule and situations described in section 9(4) of this rule. The test results will be used to demonstrate compliance with the applicable emission limit and establish process and control system operating parameters.

(3) After August 31, 1995, compliance shall continue to be demonstrated by monitoring the process and control system operating parameters established in the initial compliance test unless the parameters are revised by a subsequent test. Any subsequent test and revision to process and control system operating parameters must be submitted to the department as a revision to the compliance plan and be approved by the department. A copy of the most recent compliance test shall be located at the facility and shall be made available to any department or U.S. EPA inspector upon request.

(4) Results of the compliance test required by subdivision (2) shall be submitted to the department on or before September 30, 1995, and shall contain, at a minimum, all of the following:

(A) Test methods and procedures.

(B) Overall control efficiency.

(C) Process operating parameters during the compliance test, including, but not limited to, the following:

(i) Production rate.

(ii) Temperature.

(iii) Pressure.

(iv) Moisture content of process stream.

(v) Characteristics of process materials.

(vi) Other parameters relevant to the emissions of VOC.

(b) If compliance with section 3(1) or 3(2) of this rule is to be achieved through the reduction in the use of VOC containing materials, the owner or operator shall submit a compliance plan on or before December 31, 1994.

(1) The compliance plan shall contain, at a minimum, all of the following information:

(A) The name and address of the source, and the name and telephone number of a company representative.

(B) A complete description of the baseline actual emissions.

(C) A complete description of the VOC containing materials, such as chemicals, coatings, solvents, and cleaning materials used at the facility with an identification of the VOC containing materials that

will be replaced along with a complete description of the replacement materials. The owner or operator shall also include a description of the operations in which the VOC containing materials are used.

(D) A comprehensive record keeping and monitoring plan that will be used to insure and demonstrate compliance. The plan must follow the test methods and procedures as described in section 7 of this rule.

(2) The owner or operator shall also submit a copy of the approved compliance plan with the source's Part 70 permit application. The Part 70 permit application must be submitted to the department no later than six (6) months, and issued no later than twelve (12) months, from the effective date of Indiana's Part 70 permit program. The department shall incorporate the approved compliance plan into the source's Part 70 permit which shall include specific enforceable permit conditions. These permit conditions shall reflect limits, with no longer than daily averaging, on VOC content of process materials, capture and control efficiencies, or other conditions that will limit VOC emissions and demonstrate compliance with the requirements of this rule. The permit shall also include appropriate test methods that are consistent with the methods incorporated within 326 IAC 8 and sufficient monitoring record keeping and reporting requirements to assure that information is available to document continuous compliance with the VOC limits. The department will submit a copy of the compliance plan to the U.S. EPA for review. On or after May 31, 1995, the owner or operator shall operate the facility as described in the approved compliance plan unless request by the department to modify the plan as described in section 5 of this rule.

(c) If a source intends to comply with section 3(2) of this rule, it shall submit to the department on or before December 31, 1994, for review and approval, documentation demonstrating that ninety-eight percent (98%) control is not reasonably achievable taking into account availability of alternative materials, technical feasibility, cost, and any other factors considered by the source. A demonstration that ninety-eight percent (98%) control is not achieved at similar operations, if any, in other ozone nonattainment areas within the United States is an acceptable demonstration.

(d) Owners or operators who elect to comply with section 3(3) of this rule are subject to the following requirements:

(1) Compliance shall be achieved with the application of one (1) or more emission reduction systems including, but not limited to the following:

(A) add-on controls;

(B) elimination or reduction in use of VOC containing materials; or

(C) work practices.

(2) On or before December 31, 1994, the owner or operator shall submit to the department a compliance plan containing all of the following information:

(A) The name and address of the source and the name and telephone number of a company representative.

(B) A petition for a site specific RACT control plan developed in accordance with the procedures in 326 IAC 8-1-5.

(C) Identification of all VOC emitting facilities along with the description of the purpose each facility serves.

(D) A list of the facilities that meet the applicability criteria of section 2(a) of this rule.

(E) Baseline actual emissions for each facility identified in clause (D) along with the following information:

(i) Maximum design rate, maximum production, or maximum throughput.

(ii) Identification, amount, and VOC emission factor of process materials such as coatings, chemicals, and fuels.

(iii) Baseline year.

(F) A complete description of the emission reduction measures that the source intends to implement, the percent VOC reduction to be achieved by these measures, and calculations that demonstrate that the measures will meet the projected VOC reductions described in the source's petition for site specific RACT. The compliance plan shall also describe the expected percentage of overall emission reduction from baseline actual emissions. Supporting documentation such as:

(i) a manufacturer's warranty on a control system;

(ii) the difference in the VOC emission factor of the baseline coating or process chemicals; or

(iii) an increase in transfer efficiency;

shall be included.

(G) The operation, maintenance, monitoring, and record keeping procedures that will ensure continued compliance.

(H) The expected annual VOC emission in tons per year (tpy) after applying the emission reduction systems.

(e) Owners or operators who elect to comply with this rule with the application of enforceable permit limits, in accordance with section 2(d) of this rule shall, prior to December 31, 1994, submit an application for a federally enforceable state operating permit (FESOP) in accordance with 326 IAC 2-8. Until such time as 326 IAC 2-8 has been approved by the U.S. EPA, the operating permit will be submitted to the U.S. EPA by the department as a SIP revision. The source shall include as a part of the permit application, the following information:

(1) The name and address of the source and the name and telephone number of a company representative.

(2) Identification of all VOC emitting facilities together with a description of the purpose each facility serves.

(3) A list of facilities that meet the requirements of section 2(a) of this rule.

(4) Baseline actual emissions for each facility identified in subdivision (3) along with the following information:

(A) Baseline year.

(B) Maximum design rate, maximum production, or maximum throughput.

(C) Identification, amount, and VOC emission factor of process materials such as coatings, chemicals, and fuels.

(5) Identification of facilities for which limitation on hours of operation or limitation on amount of production has been proposed along with the proposed number of hours or amount of production.

(6) The monitoring and record keeping procedures that will be used to demonstrate compliance with the limitation on hours of operation or limitations in amount of production.

(7) A signed statement providing that the proposed limitation on hours of operation or limitation on amount of production shall be fully implemented prior to or on May 31, 1995.

The monitoring and record keeping procedures that will demonstrate compliance with the limitation on hours of operation or limitations in amount of production will be incorporated into the source's operating permit.

(f) The department may approve an extension until February 28, 1995, for any compliance plan, demonstration, or application required by this section, provided the request is received by the department prior to December 31, 1994. *(Air Pollution Control Board; 326 IAC 8-7-4; filed Dec 22, 1994, 11:45 a.m.: 18 IR 1225)*

SECTION 13. 326 IAC 8-7-5 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 8-7-5 Compliance plan

Authority: IC 13-17-3-4; IC 13-14-8-7

Affected: IC 13-17-3; IC 13-14

Sec. 5. Compliance plans required by this rule must be approved by the department. The department may:

(1) Request additional information if the information contained in the compliance plan is found to be incomplete or indicates noncompliance with the rule.
(2) Request modifications in the proposed operation, maintenance, monitoring, and record keeping procedures.
(3) If the department requests modifications in the proposed operation, maintenance, monitoring, or record keeping procedures, the owner or operator shall resubmit a new compliance plan containing the modification within sixty (60) days of the initial notification.
(4) Compliance plans required by this rule must be approved by the department by November 30, 1995.
(Air Pollution Control Board; 326 IAC 8-7-5; filed Dec 22, 1994, 11:45 a.m.: 18 IR 1227)

SECTION 14. 326 IAC 8-7-6 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 8-7-6 Certification, record keeping, and reporting requirements for coating facilities
Authority: IC 13-17-3-4; IC 13-14-8-7
Affected: IC 13-17-3; IC 13-14

Sec. 6. On or before December 31, 1994, or upon the startup of any new coating facility meeting the aggregate potential emissions criteria of section 2(c) of this rule, each source or facility shall submit to the department a certification that the facility is exempt from the requirements of section 3 of this rule. The certification shall contain all of the following information:
(1) The name and address of the source and the name and telephone number of the company representative.
(2) Identification of each VOC emitting facility together with a description of the purpose each facility serves.
(3) A listing of facilities which meet the requirements of section 2(a) of this rule.
(4) Baseline actual emissions for each facility identified in subdivision (3) together with the following information:
(A) Maximum design rate, maximum production, or maximum throughput.
(B) VOC emission factors with reference to the source of the emission factors and procedures as to how the emission factors were estimated, for example, the type of each fuel or process chemicals used and the baseline year used.
(5) Procedures that will be used to monitor the source's potential emissions to ensure that they remain below twenty-five (25) tpy.
(Air Pollution Control Board; 326 IAC 8-7-6; filed Dec 22, 1994, 11:45 a.m.: 18 IR 1227)

SECTION 15. 326 IAC 8-7-7 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 8-7-7 Test methods and procedures
Authority: IC 13-17-3-4; IC 13-14-8-7
Affected: IC 13-17-3; IC 13-14

Sec. 7. The owner or operator of any source subject to this rule shall be subject to the applicable test method requirements of 326 IAC 8-1-4 and in 40 CFR 60, Appendix A*.
*Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections are also available from the Indiana Department of Environmental Management, 100 North Senate Avenue, Indianapolis, Indiana 46204. *(Air Pollution Control Board; 326 IAC 8-7-7; filed Dec 22, 1994, 11:45 a.m.: 18 IR 1228)*

SECTION 16. 326 IAC 8-7-8 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 8-7-8 General record keeping and reports
Authority: IC 13-17-3-4; IC 13-14-8-7
Affected: IC 13-17-3; IC 13-14

Sec. 8. In addition to complying with specific recording and reporting requirements in other sections of this rule, sources shall comply with all of the following requirements:

(1) All records required by this rule shall be maintained for at least three (3) years.

(2) Records required by this rule or records used to demonstrate that a source is exempt from the requirements of this rule shall be submitted to the department or the U.S. EPA within thirty (30) days of the receipt of a written request. If such records are not available, the source shall be considered to be subject to the emission limits contained in section 3 of this rule.

(3) Sources subject to this rule shall notify the department at least thirty (30) days prior to the addition or modification of a facility which may result in a potential increase in VOC emissions.

(Air Pollution Control Board; 326 IAC 8-7-8; filed Dec 22, 1994, 11:45 a.m.: 18 IR 1228)

SECTION 17. 326 IAC 8-7-9 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 8-7-9 Control system operation, maintenance, and testing
Authority: IC 13-17-3-4; IC 13-14-8-7
Affected: IC 13-17-3; IC 13-14

Sec. 9. The following requirements shall apply to sources that choose to meet the emission limit requirements of section 3 of this rule at any facility using a control device or devices:

(1) The control system shall be operated and maintained according to the manufacturer's recommendations but may be modified based on the results of the initial or subsequent compliance test or upon the written request of the department.

(2) The operating and maintenance procedures shall be followed beginning no later than May 31, 1995. A copy of the procedures shall be submitted to the department no later than September 30, 1995.

(3) A copy of the operating and maintenance procedures shall be maintained in a convenient location at the source property and as close to the control system as possible for the reference by plant personnel and department inspectors.

(4) The control system shall be tested according to the following schedule and under the following situations:

(A) An initial compliance test shall be conducted on or before August 31, 1995, and every two (2) years after the date of the initial test.

(B) A compliance test shall also be conducted whenever the owner or operator chooses to operate a control system under conditions different from those that were in place at the time of the previous test.

(C) If the owner or operator chooses to change the method of compliance with section 3 of this rule, a compliance test shall be performed within three (3) months of the change.

(D) A compliance test shall also be performed within ninety (90) days of the startup of a new facility or upon written request by the department or the U.S. EPA.

(5) All compliance tests shall be conducted according to a protocol approved by the department at least thirty (30) days before the test. The protocol shall contain, at a minimum, the following information:

(A) Test procedures.

(B) Operating and control system parameters.

(C) Type of VOC containing process material being used.

(D) The process and control system parameters which will be monitored during the test.

(Air Pollution Control Board; 326 IAC 8-7-9; filed Dec 22, 1994, 11:45 a.m.: 18 IR 1228)

SECTION 18. 326 IAC 8-7-10 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 8-7-10 Control system monitoring, record keeping, and reporting
Authority: IC 13-17-3-4; IC 13-14-8-7
Affected: IC 13-17-3; IC 13-14

Sec. 10. (a) Sources that choose to meet the emission limit requirements of section 3 of this rule with the use of a control device or devices shall install, calibrate, maintain, and operate, according to the manufacturer's specification, the following monitoring equipment unless an alternative monitoring procedure has been approved by the department:

(1) If a thermal incinerator is used for VOC reduction, a temperature monitoring device capable of continuously recording the temperature of the gas stream in the combustion zone of the incinerator shall be used. The temperature monitoring device shall have an accuracy of one percent (1%) of the temperature being measured in degrees centigrade or plus or minus five-tenths degree Centigrade (± 0.5°C), whichever is greater.

(2) If a catalytic incinerator is used for VOC reduction, a temperature device capable of continuously recording the temperature in the gas stream immediately before and after the catalyst bed of the incinerator shall be used. The temperature monitoring device shall have an accuracy of one percent (1%) of the temperature being measured in degrees centigrade plus or minus five-tenths degree Centigrade (± 0.5°C), whichever is greater.

(3) If a carbon adsorber is used to remove and recover VOC from the gas stream, a VOC monitoring device capable of continuously recording the concentration level of VOC at the outlet of the carbon bed shall be used. The monitoring device shall be based on a detection principle such as infrared, photoionization, or thermal conductivity.

(4) Where a VOC recovery device other than a carbon adsorber is used, the source shall provide to the department information describing the operation of the device and the process parameters which would indicate proper operation and maintenance of the control device. The department may request further information and will specify appropriate monitoring procedures and reporting requirements.

(b) Sources subject to the requirements of this section shall maintain the following records:

(1) A log of the operating time of the facility and the facility's capture system, control device, and monitoring equipment.

(2) A maintenance log for the capture system, the control device, and the monitoring equipment detailing all routine and nonroutine maintenance performed. The log shall include the dates and duration of any outages of the capture system, the control device, or the monitoring system.

(3) The following additional records shall be maintained for facilities using thermal incinerators:

(A) Continuous records of the temperature in the gas stream in the combustion zone of the incinerator.

(B) Records of all three (3) hour periods of operation for which the average combustion temperature of the gas stream in the combustion zone was more than fifty degrees Fahrenheit (50°F) below the combustion zone temperature which existed during the most recent compliance test that demonstrated that the facility was in compliance.

(4) The following additional records shall be maintained for facilities using catalytic incinerators:

(A) Continuous records of the temperature of the gas stream both upstream and downstream of the catalyst bed of the incinerator.

(B) Records of all three (3) hour periods of operation for which the average temperature measured at the process vent stream immediately before the catalyst bed is more than fifty degrees Fahrenheit (50°F) below the average temperature of the process vent stream which existed during the most recent compliance test that demonstrated that the facility was in compliance.

(C) Records of all three (3) hour periods of operation for which the average temperature difference across the catalyst bed is less than eighty percent (80%) of the temperature difference measured during the most recent compliance test that demonstrated that the facility was in compliance.

(5) The following additional records shall be maintained for facilities using carbon adsorbers:

(A) Continuous records of the VOC concentration level or reading in the exhaust stream of the carbon adsorber.

(B) Records of all three (3) hour periods of operation during which the average VOC concentration level or reading in the exhaust gas is more than twenty percent (20%) greater than the average exhaust gas concentration level or reading measured by the organic monitoring device during the most recent determination of the recovery efficiency of the carbon adsorber that demonstrated that the facility was in compliance.

(6) Facilities using VOC recovery devices other than carbon adsorbers shall maintain the monitoring records and meet the reporting requirements specified by subsection (a)(4).

(7) Information requirements in subdivisions (3)(B), (4)(B), (4)(C), and (5)(B) shall be submitted to the department within thirty (30) days of occurrence. The following information shall accompany the submittal:

(A) The name and location of the facility.

(B) Identification of the control system where the excess emission occurred and the facility it served.

(C) The time, date, and duration of the exceedence *[sic]*.

(D) Corrective action taken.

(Air Pollution Control Board; 326 IAC 8-7-10; filed Dec 22, 1994, 11:45 a.m.: 18 IR 1229)

SECTION 19. 326 IAC 8-9-1 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 8-9-1 Applicability

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 1. (a) On and after October 1, 1995, this rule applies to stationary vessels used to store volatile organic liquid (VOL) that are located in Clark, Floyd, Lake, or Porter County.

(b) Stationary vessels with a capacity of less than thirty-nine thousand (39,000) gallons are subject to the reporting and record keeping provisions of section 6(a) and 6(b) of this rule and are exempt from all other provisions of this rule.

(c) Stationary vessels with a capacity equal to or greater than thirty-nine thousand (39,000) gallons that store a VOL with a maximum true vapor pressure equal to or greater than five-tenths (0.5) pound per square inch absolute (psia) but less than seventy-five hundredths (0.75) psia are subject to the provisions of section 6(a), 6(b), 6(g), and 6(h) of this rule and are exempt from all other provisions of this rule. *(Air Pollution Control Board; 326 IAC 8-9-1; filed Dec 19, 1995, 3:10 p.m.: 19 IR 1056)*

SECTION 20. 326 IAC 8-9-2 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 8-9-2 Exemptions

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 2. This rule does not apply to the following vessels:

(1) Vessels at coke oven byproduct plants.

(2) Pressure vessels designed to operate in excess of twenty-nine and four-tenths (29.4) pounds per square inch absolute and without emissions to the atmosphere.

(3) Vessels that are permanently attached to mobile vehicles such as trucks, rail cars, barges, or ships.

(4) Vessels with a design capacity less than or equal to four hundred twenty thousand (420,000) gallons used for petroleum or condensate stored, processed, or treated prior to custody transfer.
(5) Vessels located at bulk gasoline plants.
(6) Storage vessels located at gasoline service stations.
(7) Vessels used to store beverage alcohol.
(8) Stationary vessels that are subject to any provision of 40 CFR 60*, Subpart Kb, New Source Performance Standard for Volatile Organic Liquid Storage.
*Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. *(Air Pollution Control Board; 326 IAC 8-9-2; filed Dec 19, 1995, 3:10 p.m.: 19 IR 1056)*

SECTION 21. 326 IAC 8-9-3 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 8-9-3 Definitions
Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 3. The following definitions apply throughout this rule:
(1) "Condensate" means hydrocarbon liquid separated from natural gas that condenses due to changes in the temperature or pressure, or both, and remains liquid at standard conditions.
(2) "Custody transfer" means the transfer of produced petroleum and condensate, or both, after processing or treatment, or both, in the producing operations, from storage vessels or automatic transfer facilities to pipelines or any other forms of transportation.
(3) "Fill" means the introduction of VOL into a storage vessel but not necessarily to complete capacity.
(4) "Gasoline service station" means any site where gasoline is dispensed to motor vehicle fuel tanks from stationary storage vessels.
(5) "Maximum true vapor pressure" means the equilibrium partial pressure exerted by a volatile organic liquid. The maximum true vapor pressure of VOLs stored at or above the ambient temperature shall correspond to the highest calendar month average storage temperature and shall be determined as follows:
(A) Maximum true vapor pressure for VOLs stored at or above the ambient temperature shall be determined using the following procedures:
(i) For gasolines and naphtha, either of the following:
(AA) Figures 17A and 17B, American Petroleum Institute Publication 2517, Third Edition, February 1989, with addendum, May 1994*.
(BB) Figure 4.3-6, AP-42, Compilation of Air Pollutant Emission Factors, Volume I (Stationary Point and Area Sources), Fourth Edition, September 1985*.
(ii) For crude oils, either of the following:
(AA) Figures 18A and 18B, American Petroleum Institute Publication 2517, Third Edition, February 1989, with addendum, May 1994*.
(BB) Figure 4.3-5, AP-42, Compilation of Air Pollutant Emission Factors, Volume I (Stationary Point and Area Sources), Fourth Edition, September 1985*.
(iii) For VOLs, other than those in item (i) or (ii), procedures on page D-146, Vapor Pressures, Critical Temperatures, and Critical Pressures of Organic Compounds, Handbook of Chemistry and Physics, 51st Edition, 1970-1971, Chemical Rubber Company*.
(iv) Maximum true vapor pressure for VOLs stored at or above ambient temperatures shall be determined at the following temperatures:

(AA) In Lake and Porter Counties, seventy-three degrees Fahrenheit (73°F).
(BB) In Clark and Floyd Counties, seventy-seven and seven-tenths degrees Fahrenheit (77.7°F).

(B) Alternatively, the owner or operator or the department and the U.S. EPA may require measurement of vapor pressure. ASTM Method D323-92* or a method acceptable to the department and U.S. EPA shall be used. If a discrepancy exists between the results obtained from methods in clause (A) and methods used in this clause, the results in this clause shall prevail.

(6) "Petroleum" means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal.

(7) "Petroleum liquids" means petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery.

(8) "Reid vapor pressure" means the absolute vapor pressure of volatile crude oil and volatile nonviscous petroleum liquids except liquified petroleum gases as determined by the following methods:

(A) For gasoline, only, ASTM D323-82*.

(B) For gasoline-ethanol blends, ASTM D-5190*, ASTM D-5191*, ASTM 5482*.

(9) "Vessel" means each tank, reservoir, or container used for the storage of VOLs but does not include either of the following:

(A) Frames, housing, auxiliary supports, or other components that are not directly involved in the containment of liquids or vapors.

(B) Subsurface caverns or porous rock reservoirs.

(10) "Volatile organic liquid" or "VOL" means any organic liquid that can emit volatile organic compounds (VOCs) into the atmosphere except those VOLs that emit only those compounds that the department has determined do not contribute appreciably to the formation of ozone.

(11) "Waste" means any liquid resulting from industrial, commercial, mining, or agricultural operations, or from community activities that is discarded or is being accumulated, stored, or physically, chemically, or biologically treated prior to being discarded or recycled.

*Copies of Figures 17A and 17B, American Petroleum Institute Publication 2517, Third Edition, February 1989, with addendum, May 1994; Figure 4.3-6, AP-42, Compilation of Air Pollutant Emission Factors, Volume I (Stationary Point and Area Sources), Fourth Edition, September 1985; Figures 18A and 18B, American Petroleum Institute Publication 2517, Third Edition, February 1989, with addendum, May 1994; Figure 4.3-5, AP-42, Compilation of Air Pollutant Emission Factors, Volume I (Stationary Point and Area Sources), Fourth Edition, September 1995; Procedures on page D-146, Vapor Pressures, Critical Temperatures, and Critical Pressures of Organic Compounds, Handbook of Chemistry and Physics, 51st Edition, 1970-1971, Chemical Rubber Company; ASTM Method D323-92; ASTM D323-82; ASTM D-5190; ASTM D-191; and ASTM 5482 referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. *(Air Pollution Control Board; 326 IAC 8-9-3; filed Dec 19, 1995, 3:10 p.m.: 19 IR 1056; errata filed Dec 19, 1995, 3:15 p.m.: 19 IR 1141; errata, 19 IR 1372; errata filed Apr 9, 1996, 2:30 p.m.: 19 IR 2045)*

SECTION 22. 326 IAC 8-9-4 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 8-9-4 Standards

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 4. (a) The owner or operator of each vessel with a capacity greater than or equal to thirty-nine thousand (39,000) gallons, that stores VOL with a maximum true vapor pressure greater than or equal to seventy-five hundredths (0.75) pound per square inch absolute (psia) but less than eleven and one-tenth (11.1) psia shall do the following:

(1) On or before May 1, 1996, for each vessel having a permanently affixed roof, install one (1) of the following:

(A) An internal floating roof meeting the standards in subsection (c).

(B) A closed vent system and control device meeting the standards in subsection (d).

(C) An equivalent emissions control system resulting in equivalent emissions reductions to that obtained in clause (A).

(2) For each vessel having an internal floating roof, install one (1) of the following:

(A) At the time of the next scheduled cleaning, but not later than ten (10) years after May 1, 1996, an internal floating roof meeting the standards in subsection (c).

(B) On or before May 1, 1996, a closed vent system and control device meeting the standards in subsection (d).

(C) On or before May 1, 1996, an equivalent emissions control system resulting in equivalent emissions reductions to that obtained in clause (A).

(3) For each vessel having an external floating roof, install one (1) of the following:

(A) At the time of the next scheduled cleaning, but not later than ten (10) years after May 1, 1996, an external floating roof meeting the standards in subsection (e).

(B) On or before May 1, 1996, a closed vent system meeting the standards in subsection (d).

(C) On or before May 1, 1996, an equivalent emissions control system resulting in equivalent emissions reductions to that obtained in clause (A).

(4) For each vessel subject to this subsection, the owner or operator described in the report required in section 6(b) of this rule, install one (1) of the following:

(A) Emission control equipment.

(B) A schedule for vessel cleaning and installation of emission control equipment.

(b) On or before May 1, 1996, the owner or operator of each vessel with a capacity greater than or equal to thirty-nine thousand (39,000) gallons, that stores VOL with a maximum true vapor pressure greater than or equal to eleven and one-tenth (11.1) psia shall equip each vessel with a closed vent system with a control device meeting the standards of subsection (d).

(c) Standards applicable to each internal floating roof are as follows:

(1) The internal floating roof shall float on the liquid surface, but not necessarily in complete contact with it, inside a vessel that has a permanently affixed roof.

(2) The internal floating roof shall be floating on the liquid surface at all times, except during initial fill and during those intervals when the vessel is completely emptied or subsequently emptied and refilled.

(3) When the roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as rapidly as possible.

(4) Each internal floating roof shall be equipped with one (1) of the following closure devices between the wall of the vessel and the edge of the internal floating roof:

(A) A foam or liquid-filled seal mounted in contact with the liquid (liquid-mounted seal).

(B) Two (2) seals mounted one (1) above the other so that each forms a continuous closure that completely covers the space between the wall of the vessel and the edge of the internal floating roof. The lower seal may be vapor-mounted, but both must be continuous.

(C) A mechanical shoe seal that consists of a metal sheet held vertically against the wall of the vessel by springs or weighted levers and that is connected by braces to the floating roof. A flexible coated fabric, or envelope, spans the annular space between the metal sheet and the floating roof.

(5) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents shall provide a projection below the liquid surface.
(6) Each opening in the internal floating roof except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains shall be equipped with a cover or lid that shall be maintained in a closed position at all times (with no visible gap) except when the device is in actual use. The cover or lid shall be equipped with a gasket. Covers on each access hatch and automatic gauge float well shall be bolted except when they are in use.
(7) Automatic bleeder vents shall be equipped with a gasket and shall be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports.
(8) Rim space vents shall be equipped with a gasket and shall be set to open only when the internal floating roof is not floating or at the manufacturer's recommended setting.
(9) Each penetration of the internal floating roof for the purpose of sampling shall be a sample well. The sample well shall have a slit fabric cover that covers at least ninety percent (90%) of the opening.
(10) Each penetration of the internal floating roof that allows for passage of a ladder shall have a gasketed sliding cover.
(d) Standards applicable to each closed vent system and control device are as follows:
(1) The closed vent system shall be designed to collect all VOC vapors and gases discharged from the vessel and operated with no detectable emission as indicated by an instrument reading of less than five hundred (500) parts per million (ppm) above background and visual inspections as determined by the methods specified in 40 CFR 60, Subpart VV, 60.485(C)*.
(2) The control device shall be designed and operated to reduce inlet VOC emissions by ninety-five percent (95%) or greater. If a flare is used as the control device, it shall meet the specifications described in the general control device requirements in 40 CFR 60.18, General Provisions*.
(e) Standards applicable to each external floating roof are as follows:
(1) Each external floating roof shall be equipped with a closure device between the wall of the vessel and the roof edge. The closure device shall consist of two (2) seals, one (1) above the other. The lower seal shall be referred to as the primary seal; the upper seal shall be referred to as the secondary seal.
(2) Except as provided in section 5(c)(4) of this rule, the primary seal shall completely cover the annular space between the edge of the floating roof and vessel wall and shall be either a liquid-mounted seal or a shoe seal.
(3) The secondary seal shall completely cover the annular space between the external floating roof and the wall of the vessel in a continuous fashion except as allowed in section 5(c)(4) of this rule.
(4) Except for automatic bleeder vents and rim space vents, each opening in a noncontact external floating roof shall provide a projection below the liquid surface.
(5) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof shall be equipped with a gasketed cover, seal, or lid that shall be maintained in a closed position at all times, without visible gap, except when the device is in actual use.
(6) Automatic bleeder vents shall be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports.
(7) Rim vents shall be set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting. Automatic bleeder vents and rim space vents shall be gasketed.
(8) Each emergency roof drain shall be provided with a slotted membrane fabric cover that covers at least ninety percent (90%) of the area of the opening.
(9) The roof shall be floating on the liquid at all times, for example, off the roof leg supports, except when the vessel is completely emptied and subsequently refilled. The process of filling, emptying, or refilling when the roof is resting on the leg supports shall be continuous and shall be accomplished as rapidly as possible.
*Copies of 40 CFR 60, Subpart VV, 60.485(C); and 40 CFR 60.18, General Provisions referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental

Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. *(Air Pollution Control Board; 326 IAC 8-9-4; filed Dec 19, 1995, 3:10 p.m.: 19 IR 1057)*

SECTION 23. 326 IAC 8-9-5 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 8-9-5 Testing and procedures
Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 5. (a) The owner or operator of each vessel subject to section 4(a) of this rule shall meet the requirements of subsection (b), (c), or (d).

(b) On and after May 1, 1996, except as provided in section 4(a)(2) of this rule, the owner or operator of each vessel equipped with an internal floating roof shall meet the following requirements:

(1) Visually inspect the internal floating roof, the primary seal, and the secondary seal, if one is in service, prior to filling the vessel with VOL. If there are holes, tears, or other openings in the primary seal, the secondary seal, or the seal fabric or defects in the internal floating roof, or both, the owner or operator shall repair the items before filling the vessel.

(2) For vessels equipped with a liquid-mounted or mechanical shoe primary seal, visually inspect the internal floating roof and the primary seal or the secondary seal, if one is in service, through manholes and roof hatches on the fixed roof at least once every twelve (12) months after initial fill. If the internal floating roof is not resting on the surface of the VOL inside the vessel, or there is liquid accumulated on the roof, or the seal is detached, or there are holes or tears in the seal fabric, the owner or operator shall repair the items or empty and remove the vessel from service within forty-five (45) days. If a failure that is detected during inspections required in this section cannot be repaired in forty-five (45) days and if the vessel cannot be emptied within forty-five (45) days, a thirty (30) day extension may be requested from the department in the inspection report required in section 6(c)(3) of this rule. Such a request for an extension must document that alternate storage capacity is unavailable and specify a schedule of actions the company will take that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.

(3) For vessels equipped with both primary and secondary seals:

(A) visually inspect the vessel as specified in subdivision (4), at least every five (5) years; or

(B) visually inspect the vessel as specified in subdivision (2).

(4) Visually inspect the internal floating roof, the primary seal, the secondary seal, if one is in service, gaskets, slotted membranes, and sleeve seals each time the vessel is emptied and degassed. If the internal floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal or the seal fabric, or the gaskets no longer close off the liquid surfaces from the atmosphere, or the slotted membrane has more than ten percent (10%) open area, the owner or operator shall repair the items as necessary so that none of the conditions specified in this subdivision exist before refilling the vessel with VOL. In no event shall the inspections required by this subsection occur at intervals greater than ten (10) years in the case of vessels conducting the annual visual inspection as specified in subdivisions (2) and (3)(B) and at intervals no greater than five (5) years in the case of vessels specified in subdivision (3)(A).

(5) Notify the department in writing at least thirty (30) days prior to the filling or refilling of each vessel for which an inspection is required by subdivisions (1) and (4) to afford the department the opportunity to have an observer present. If the inspection required by subdivision (4) is not planned and the owner or operator could not have known about the inspection thirty (30) days in advance of refilling the vessel, the owner or operator shall notify the department at least seven (7) days prior to the refilling of the vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was

unplanned. Alternatively, this notification, including the written documentation, may be made in writing and sent by express mail so that it is received by the department at least seven (7) days prior to the refilling.

(c) On and after May 1, 1996, except as provided in section 4(a)(3) of this rule, the owner or operator of each vessel equipped with an external floating roof shall meet the following requirements:

(1) Determine the gap areas and maximum gap widths between the primary seal and the wall of the vessel and between the secondary seal and the wall of the vessel according to the following frequency:

(A) Measurements of gaps between the vessel wall and the primary seal (seal gaps) shall be performed during the hydrostatic testing of the vessel or within sixty (60) days of the initial fill with VOL and at least once every five (5) years thereafter.

(B) Measurements of gaps between the vessel wall and the secondary seal shall be performed within sixty (60) days of the initial fill with VOL and at least once per year thereafter.

(C) If any source ceases to store VOL for a period of one (1) year or more, subsequent introduction of VOL into the vessel shall be considered an initial fill for purposes of this subdivision.

(2) Determine gap widths and areas in the primary and secondary seals individually by the following procedures:

(A) Measure seal gaps, if any, at one (1) or more floating roof levels when the roof is floating off the roof leg supports.

(B) Measure seal gaps around the entire circumference of the vessel in each place where a one-eighth (⅛) inch diameter uniform probe passes freely (without forcing or binding against seal) between the seal and the wall of the vessel and measure the circumferential distance of each such location.

(C) The total surface area of each gap described in clause (B) shall be determined by using probes of various widths to measure accurately the actual distance from the vessel wall to the seal and multiplying each such width by its respective circumferential distance.

(3) Add the gap surface area of each gap location for the primary seal and the secondary seal individually and divide the sum for each by the nominal diameter of the vessel and compare each ratio to the respective standards in subdivision (4).

(4) Make necessary repairs or empty the vessel within forty-five (45) days of identification of seals not meeting the requirements listed in clauses (A) and (B) as follows:

(A) The accumulated area of gaps between the vessel wall and the mechanical shoe or liquid-mounted primary seal shall not exceed ten (10) square inches per foot of vessel diameter, and the width of any portion of any gap shall not exceed one and five-tenths (1.5) inches. There shall be no holes, tears, or other openings in the shoe, seal fabric, or seal envelope.

(B) The secondary seal shall meet the following requirements:

(i) The secondary seal shall be installed above the primary seal so that it completely covers the space between the roof edge and the vessel wall except as provided in subdivision (2)(C).

(ii) The accumulated area of gaps between the vessel wall and the secondary seal used in combination with a metallic shoe or liquid-mounted primary seal shall not exceed one (1) square inch per foot of vessel diameter, and the width of any portion of any gap shall not exceed five-tenths (0.5) inch. There shall be no gaps between the vessel wall and the secondary seal when used in combination with a vapor-mounted primary seal.

(iii) There shall be no holes, tears, or other openings in the seal or seal fabric.

(C) If a failure that is detected during inspections required in subdivision (1) cannot be repaired within forty-five (45) days and if the vessel cannot be emptied within forty-five (45) days, a thirty (30) day extension may be requested from the department in the inspection report required in section 6(d)(3) of this rule. Such extension request must include a demonstration of unavailability of alternate

storage capacity and a specification of a schedule that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.

(5) Notify the department thirty (30) days in advance of any gap measurements required by subdivision (1) to afford the department the opportunity to have an observer present.

(6) Visually inspect the external floating roof, the primary seal, secondary seal, and fittings each time the vessel is emptied and degassed. For all visual inspections, the following requirements apply:

(A) If the external floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal fabric, the owner or operator shall repair the items as necessary so that none of the conditions specified in this clause exist before filling or refilling the vessel with VOL.

(B) The owner or operator shall notify the department in writing at least thirty (30) days prior to the filling or refilling of each vessel to afford the department the opportunity to inspect the vessel prior to the filling. If the inspection required by this subdivision is not planned and the owner or operator could not have known about the inspection thirty (30) days in advance of refilling the vessel, the owner or operator shall notify the department at least seven (7) days prior to the refilling of the vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent by express mail so that it is received by the department at least seven (7) days prior to the refilling.

(d) The owner or operator of each vessel that is equipped with a closed vent system and control device described in section 4(a)(1)(B), 4(a)(2)(B), or 4(a)(3)(B) of this rule and meeting the requirements of section 4(d) of this rule, other than a flare, shall meet the following requirements:

(1) On or before January 1, 1996, submit to the department an operating plan containing the following information:

(A) Documentation demonstrating that the control device will achieve the required control efficiency during maximum loading conditions. This documentation shall include a description of the gas stream that enters the control device, including flow and VOC content under varying liquid level conditions (dynamic and static) and manufacturer's design specifications for the control device. If the control device or the closed vent capture system receives vapor gases, or liquid other than fuels from sources that are not subject to this rule, the efficiency demonstration shall include consideration of all vapors, gases, and liquids received by the closed vent capture system and control device. If an enclosed combustion device with a minimum residence time of seventy-five hundredths (0.75) second and a minimum temperature of eight hundred sixteen degrees Centigrade (816°C) is used to meet the ninety-five percent (95%) requirement, documentation that those conditions will exist is sufficient to meet the requirements of this subdivision.

(B) A description of the parameter or parameters to be monitored to ensure that the control device will be operated in conformance with its design and an explanation of the criteria used to monitor the parameter or parameters.

(2) Operate the closed vent system and control device and monitor the parameters of the closed vent system and control device in accordance with the operating plan submitted to the department in accordance with subdivision (1) unless the plan was modified by the department during the review process. In this case, the modified plan applies.

(e) The owner or operator of each source that is equipped with a closed vent system and a flare to meet the requirements in section 4(a)(4) or 4(d) of this rule shall meet the requirements specified in the general control device requirements in 40 CFR 60.18(e) and 40 CFR 60.18(f)*.

*Copies of 40 CFR 60.18(e) and 40 CFR 60.18(f) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Indiana Government

Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. *(Air Pollution Control Board; 326 IAC 8-9-5; filed Dec 19, 1995, 3:10 p.m.: 19 IR 1059)*

SECTION 24. 326 IAC 8-9-6 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 8-9-6 Record keeping and reporting requirements
Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 6. (a) The owner or operator of each vessel subject to this rule shall keep all records required by this section for three (3) years unless specified otherwise. Records required by subsection (b) shall be maintained for the life of the vessel.

(b) The owner or operator of each vessel to which section 1 of this rule applies shall maintain a record and submit to the department a report containing the following information for each vessel:

(1) The vessel identification number.

(2) The vessel dimensions.

(3) The vessel capacity.

(4) A description of the emission control equipment for each vessel described in section 4(a) and 4(b) of this rule, or a schedule for installation of emission control equipment on vessels described in section 4(a) or 4(b) of this rule with a certification that the emission control equipment meets the applicable standards.

(c) The owner or operator of each vessel equipped with a permanently affixed roof and internal floating roof shall comply with the following record keeping and reporting requirements:

(1) Keep a record of each inspection performed as required by section 5(b)(1) through 5(b)(4) of this rule. Each record shall identify the following:

(A) The vessel inspected by identification number.

(B) The date the vessel was inspected.

(C) The observed condition of each component of the control equipment, including the following:

(i) Seals.

(ii) Internal floating roof.

(iii) Fittings.

(2) If any of the conditions described in section 5(b)(2) of this rule are detected during the required annual visual inspection, a record shall be maintained and a report shall be furnished to the department within thirty (30) days of the inspection. Each report shall identify the following:

(A) The vessel by identification number.

(B) The nature of the defects.

(C) The date the vessel was emptied or the nature of and date the repair was made.

(3) After each inspection required by section 5(b)(3) of this rule that finds holes or tears in the seal or seal fabric, or defects in the internal floating roof, or other control equipment defects listed in section 5(b)(3)(B) of this rule, a record shall be maintained and a report shall be furnished to the department within thirty (30) days of the inspection. The report shall identify the following:

(A) The vessel by identification number.

(B) The reason the vessel did not meet the specifications of section 4(a)(1)(A), 4(a)(2)(A), or 5(b) of this rule and list each repair made.

(d) The owner or operator of each vessel equipped with an external floating roof shall comply with the following record keeping and reporting requirements:

(1) Keep a record of each gap measurement performed as required by section 5(c) of this rule. Each record shall identify the vessel in which the measurement was made and shall contain the following:

(A) The date of measurement.

(B) The raw data obtained in the measurement.

(C) The calculations described in section 5(c)(2) and 5(c)(3) of this rule.

(2) Within sixty (60) days of performing the seal gap measurements required by section 5(c)(1) of this rule, furnish the department with a report that contains the following:

(A) The date of measurement.

(B) The raw data obtained in the measurement.

(C) The calculations described in section 5(c)(2) and 5(c)(3) of this rule.

(3) After each seal gap measurement that detects gaps exceeding the limitations specified in section 5(c) of this rule, submit a report to the department within thirty (30) days of the inspection. The report shall identify the vessel and contain the information specified in subdivision (2) and the date the vessel was emptied or the repairs made and date of repair.

(e) The owner or operator of each vessel equipped with a closed vent system with a control device shall comply with the following record keeping and reporting requirements:

(1) Owner or operators that equip the vessel with a control device other than a flare shall do the following:

(A) On or before January 1, 1996, submit an operating plan as required by section 4(d) of this rule.

(B) Maintain records of the following:

(i) The operating plan.

(ii) Measured values of the parameters monitored according to section 5(d)(2) of this rule.

(2) Owner or operators that equip the vessel with a closed vent system and a flare shall meet the following requirements:

(A) Keep records of all periods of operation during which the flare pilot flame is absent.

(B) Furnish the department with a report containing the measurements required by 40 CFR 60.18(f)(1) through 40 CFR 60.18(f)(5)* as required by 40 CFR 60.8. This report shall be submitted within six (6) months of the initial start-up date.

(C) Furnish the department with a semiannual report of all periods recorded under 40 CFR 60.115* in which the pilot flame was absent.

(f) The owner or operator of each vessel equipped with a closed vent system and control device meeting the standards of section 4 of this rule is exempt from the requirements of subsections (g) and (h).

(g) Except as provided in subsections (f) and (j), the owner or operator of each vessel either with a design capacity greater than or equal to thirty-nine thousand (39,000) gallons storing a VOL with a maximum true vapor pressure greater than or equal to five-tenths (0.5) pound per square inch absolute (psia) but less than seventy-five hundredths (0.75) psia shall maintain a record of the maximum true vapor pressure of the VOL stored in each vessel. The record for each vessel shall contain the following information:

(1) The type of VOL stored.

(2) The dates of the VOL storage.

(3) For each day of VOL storage, the average stored temperature for VOLs stored above or below the ambient temperature or average ambient temperature for VOLs stored at ambient temperature, and the corresponding maximum true vapor pressure.

(h) Except as provided in subsection (f), the owner or operator of each vessel with a design capacity greater than or equal to thirty-nine thousand (39,000) gallons storing a liquid with a maximum true vapor pressure that is normally less than seventy-five hundredths (0.75) psia shall maintain a record and notify the department within thirty (30) days when the maximum true vapor pressure of the liquid exceeds seventy-five hundredths (0.75) psia.

(i) Available data on the storage temperature may be used to determine the maximum true vapor pressure as follows:

(1) The maximum true vapor pressure for VOLs stored at temperatures above or below the ambient temperature shall correspond to the highest calendar-month average storage temperature. The maximum true vapor pressure

for VOLs stored at the ambient temperature shall correspond to the local maximum monthly average temperature, as reported by the National Weather Service.

(2) For local crude oil or refined petroleum products, the maximum vapor pressure may be determined as follows:

(A) Available data on the Reid vapor pressure and the maximum expected storage temperature based on the highest expected calendar month average temperature of the stored product may be used to determine the maximum true vapor pressure from nomographs contained in API Bulletin 2517* unless the department specifically requests that the liquid be sampled, the actual storage temperature determined, and the Reid vapor pressure determined from the samples.

(B) The maximum true vapor pressure of each type of crude oil with a Reid vapor pressure less than two (2) pounds per square inch or with physical properties that preclude determination by the recommended method shall be determined from available data and recorded if the estimated maximum true vapor pressure is greater than five-tenths (0.5) psia.

(3) For other liquids, the maximum true vapor pressure may be determined by any of the following methods:

(A) Standard reference texts.

(B) ASTM Method D2879-92*.

(C) Calculated or measured by a method approved by the department.

(j) The owner or operator of each vessel storing a waste mixture of indeterminate or variable composition shall be subject to the following requirements:

(1) Prior to the initial filling of the vessel, the highest maximum true vapor pressure for the range of anticipated liquid compositions to be stored will be determined using the methods described in subsection (i).

(2) For vessels in which the vapor pressure of the anticipated liquid composition is above the cutoff for monitoring but below the cutoff for controls as defined in section 4(a) of this rule, tests are required as follows:

(A) An initial physical test of the vapor pressure is required.

(B) A physical test at least once every six (6) months thereafter is required using one (1) of the following methods:

(i) ASTM Method D2879-92*.

(ii) ASTM Method D323-82*.

(iii) As measured by an appropriate method as approved by the department.

*Copies of the Code of Federal Regulations (CFR), ASTM Method D2879-92, ASTM Method D2879-92, ASTM Method D323-82, and API Bulletin 2517 referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. *(Air Pollution Control Board; 326 IAC 8-9-6; filed Dec 19, 1995, 3:10 p.m.: 19 IR 1061; errata filed Dec 19, 1995, 3:15 p.m.: 19 IR 1141; errata filed Apr 9, 1996, 2:30 p.m.: 19 IR 2045)*

SECTION 25. 326 IAC 8-11-1 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 8-11-1 Applicability

Authority: IC 13-14-8; IC 13-17-3-4

Affected: IC 13-12

Sec. 1. This rule applies to any person performing wood furniture manufacturing operations in Lake, Porter, Clark, or Floyd County meeting the following criteria:

(1) The wood furniture manufacturing operations have potential emissions of volatile organic compounds (VOCs) of twenty-five (25) tons or more per year.

(2) The wood furniture manufacturing operations occur at a source classified by any of the following Standard Industrial Classification (SIC) codes:

(A) SIC code 2434: wood cabinets (kitchen, bath and vanity).
(B) SIC code 2511: wood household furniture, including tables, beds, chairs, sofas (nonupholstered).
(C) SIC code 2512: wood household furniture (upholstered).
(D) SIC code 2517: wood television, radios, phonographs, and sewing machine cabinets.
(E) SIC code 2519: household furniture, not elsewhere classified.
(F) SIC code 2521: wood office furniture.
(G) SIC code 2531: public building and related furniture.
(H) SIC code 2541: wood office and store fixtures, partitions, shelving, and lockers.
(I) SIC code 2599: furniture and fixtures and any other coated furnishings made of solid wood, wood composition, or simulated wood material not elsewhere classified.

(Air Pollution Control Board; 326 IAC 8-11-1; filed Dec 5, 1995, 8:30 a.m.: 19 IR 1063)

SECTION 26. 326 IAC 8-11-2 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 8-11-2 Definitions
Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 2. The following definitions apply throughout this rule:
(1) "Adhesive" means any chemical substance that is applied for the purpose of bonding two (2) surfaces together other than by mechanical means.
(2) "Alternative method" means any method of sampling and analyzing for an air pollutant that is not a reference or equivalent method but that has been demonstrated to the satisfaction of the commissioner and the U.S. EPA to, in specific cases, produce results adequate for a determination of compliance.
(3) "As-applied" means the VOC and solids content of the finishing material that is actually used for coating the substrate. It includes the contribution of materials used for in-house dilution of the finishing material.
(4) "Basecoat" means a coat of colored material, usually opaque, that is applied before graining inks, glazing coats, or other opaque finishing materials and is usually topcoated for protection.
(5) "Capture device" means a hood, enclosed room, floor sweep, or other means of collecting solvent emissions or other pollutants into a duct. The pollutant can be directed to a pollution control device such as an incinerator or carbon adsorber.
(6) "Capture efficiency" means the fraction of all organic vapors generated by a process that are directed to and captured by a control device.
(7) "Cleaning operations" means operations that use an organic solvent to remove coating materials from equipment used in wood furniture manufacturing operations.
(8) "Commissioner" means the commissioner of the Indiana department of environmental management, or the commissioner's duly authorized representative.
(9) "Continuous coater" means a finishing system that continuously applies finishing materials onto furniture parts moving along a conveyor system. Finishing materials that are not transferred to the part are recycled to the finishing material reservoir. Several types of application methods can be used with a continuous coater, including spraying, curtain coating, roll coating, dip coating, and flow coating.
(10) "Control device" means any equipment, including, but not limited to, incinerators, carbon adsorbers, and condensers, that reduces the quantity of a pollutant that is emitted to the air. The device may destroy or secure the pollutant for subsequent recovery.

(11) "Conventional air spray" means a spray coating method that atomizes the coating by mixing it with compressed air at an air pressure greater than ten (10) pounds per square inch (psi) (gauge) at the point of atomization. Airless and air assisted airless spray technologies are not conventional air spray because the coating is not atomized by mixing it with compressed air.
(12) "Day" means a period of twenty-four (24) consecutive hours beginning at midnight local time, or beginning at a time consistent with a facility's operating schedule.
(13) "Department" means the Indiana department of environmental management.
(14) "Enamel" means a coat of colored material, usually opaque, that is applied as a protective topcoat over a basecoat, primer, or a previously applied enamel coat. In some cases, another finishing material may be applied as a topcoat over the enamel.
(15) "Equipment leak" means emissions of volatile organic compounds from pumps, valves, flanges, or other equipment used to transfer or apply finishing materials or organic solvents.
(16) "Equivalent method" means any method of sampling and analyzing for an air pollutant that has been demonstrated to the satisfaction of the commissioner and the U.S. EPA to have a consistent and quantitatively known relationship to the reference method under specific conditions.
(17) "Final touch-up and repair" means the application of finishing materials after completion of the finishing operation to cover minor imperfections.
(18) "Finishing application station" means the part of a finishing operation where the finishing material is applied, such as a spray booth.
(19) "Finishing material" means a coating other than an adhesive. For the wood furniture manufacturing industry, such materials include, but are not limited to, the following:

(A) Basecoats.
(B) Stains.
(C) Washcoats.
(D) Sealers.
(E) Topcoats.
(F) Enamels.

(20) "Finishing operation" means those activities in which a finishing material is applied to a substrate and is subsequently air-dried, cured in an oven, or cured by radiation.
(21) "Incinerator" means an enclosed combustion device that thermally oxidizes volatile organic compounds to carbon monoxide (CO) and carbon dioxide (CO_2). The term does not include devices that burn municipal or hazardous waste material.
(22) "Material safety data sheet" or "MSDS" means the documentation required by the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard (29 CFR 1910)* for a solvent, cleaning material, finishing material, or other material that identifies select reportable hazardous ingredients of the material, safety and health considerations, and handling procedures.
(23) "Normally closed container" means a container that is closed unless an operator is actively engaged in activities such as emptying or filling the container.
(24) "Operating parameter value" means a minimum or maximum value established for a control device or process parameter that, if achieved by itself or in combination with one (1) or more other operating parameter values, determines that an owner or operator has complied with an applicable emission limit.
(25) "Organic solvent" means a liquid containing volatile organic compounds that is used for dissolving or dispersing constituents in a coating, adjusting the viscosity of a coating, or cleaning equipment. When used in a coating, the organic solvent evaporates during drying and does not become a part of the dried film.
(26) "Overall control efficiency" means the efficiency of a control system, calculated as the product of the capture and control device efficiencies, expressed as a percentage.
(27) "Recycled on-site" means the reuse of an organic solvent in a process other than cleaning or washoff.

(28) "Reference method" means any method of sampling and analyzing for an air pollutant that is published in 40 CFR 60, Appendix A*.
(29) "Responsible official" has the meaning given in 326 IAC 2-7-1(33).
(30) "Sealer" means a finishing material used to seal the pores of a wood substrate before additional coats of finishing material are applied. Special purpose finishing materials that are used in some finishing systems to optimize aesthetics are not sealers.
(31) "Stain" means any color coat having a solids content by weight of no more than eight percent (8.0%) that is applied in single or multiple coats directly to the substrate. Stains include, but are not limited to, the following:

(A) Nongrain raising stains.
(B) Equalizer stains.
(C) Sap stains.
(D) Body stains.
(E) No-wipe stains.
(F) Penetrating stains.
(G) Toners.

(32) "Storage containers" means vessels or tanks, including mix equipment, used to hold finishing or cleaning materials.
(33) "Strippable booth coating" means a coating that:

(A) is applied to a booth wall to provide a protective film to receive overspray during finishing operations;
(B) is subsequently peeled off and disposed; and
(C) by means of clauses (A) and (B), reduces or eliminates the need to use organic solvents to clean booth walls.

(34) "Substrate" means the surface onto which coatings are applied or into which coatings are impregnated.
(35) "Topcoat" means the last film-building finishing material applied in a finishing system.
(36) "Touch-up and repair" means the application of finishing materials to cover minor imperfections.
(37) "Washcoat" means a transparent special purpose coating having a solids content by weight of twelve percent (12.0%) or less. Washcoats are applied over initial stains to protect and control color and to stiffen wood fibers to aid sanding.
(38) "Washoff operations" means those operations that use an organic solvent to remove coating from a substrate.
(39) "Waterborne coating" means a coating that contains more than five percent (5.0%) water by weight in its volatile fraction.
(40) "Wood furniture manufacturing operations" means the finishing and cleaning operations conducted at a wood furniture source.
(41) "Wood furniture source" means all of the pollutant emitting activities that belong to the same wood furniture industrial grouping, are located on one (1) or more contiguous or adjacent properties, and are under the control of the same person, or persons under common control. The wood furniture industrial grouping includes the following standard industrial classification (SIC) codes: 2434, 2511, 2512, 2517, 2519, 2521, 2531, 2541, and 2599.
(42) "Working day" means a day, or any part of a day, in which a facility is engaged in manufacturing.
*Copies of the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard (29 CFR 1910); and 40 CFR 60, Appendix A, may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections of the referenced materials are also available from the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. *(Air Pollution Control Board; 326 IAC 8-11-2; filed Dec 5, 1995, 8:30 a.m.: 19 IR 1064)*

SECTION 27. 326 IAC 8-11-3 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 8-11-3 Emission limits
Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 3. (a) On and after January 1, 1996, each owner or operator of a wood furniture manufacturing operation subject to this rule shall limit VOC emissions from finishing operations by doing one (1) of the following:

(1) Using topcoats with a VOC content no greater than eight-tenths (0.8) kilogram of VOC per kilogram of solids (kg VOC/kg solids) or eight-tenths (0.8) pound of VOC per pound of solids (lb VOC/lb solids), as-applied.

(2) Using a finishing system of sealers with a VOC content no greater than one and nine-tenths (1.9) kg VOC/kg solids (one and nine-tenths (1.9) lb VOC/lb solids), as-applied and topcoats with a VOC content no greater than one and eight-tenths (1.8) kg VOC/kg solids (one and eight-tenths (1.8) lb VOC/lb solids), as-applied.

(3) Using sealers and topcoats based on the following criteria, for sources using acid-cured alkyd amino vinyl sealers or acid-cured alkyd amino conversion varnish topcoats:

(A) For wood furniture manufacturing operations using acid-cured alkyd amino vinyl sealers and acid-cured alkyd amino conversion varnish topcoats, the following:

(i) The sealer shall contain no more than two and three-tenths (2.3) kg VOC/kg solids, (two and three-tenths (2.3) lb VOC/lb solids), as-applied.

(ii) The topcoat shall contain no more than two (2.0) kg VOC/kg solids, (two (2.0) lb VOC/lb solids), as-applied.

(B) For wood furniture manufacturing operations using a sealer other than an acid-cured alkyd amino vinyl sealer and acid-cured alkyd amino conversion varnish topcoats, the following:

(i) The sealer shall contain no more than one and nine-tenths (1.9) kg VOC/kg solids (one and nine-tenths (1.9) lb VOC/lb solids), as-applied.

(ii) The topcoat shall contain no more than two (2.0) kg VOC/kg solids, (two (2.0) lb VOC/lb solids), as-applied.

(C) For wood furniture manufacturing operations using an acid-cured alkyd amino vinyl sealer and a topcoat other than an acid-cured alkyd amino conversion varnish topcoat, the following:

(i) The sealer shall contain no more than two and three-tenths (2.3) kg VOC/kg solids (two and three-tenths (2.3) lb VOC/lb solids), as-applied.

(ii) The topcoat shall contain no more than one and eight-tenths (1.8) kg VOC/kg solids (one and nine-tenths (1.8) *[sic.]* lb VOC/lb solids), as-applied.

(4) Using finishing materials such that actual emissions are less than or equal to allowable emissions using one (1) of the following averaging equations:

Equation 1:

$$0.9\ (\Sigma_{i=1-N}(0.8)(TC_i)) \geq \Sigma_{i=1-N}\ ER_{TCi}\ (TC_i)$$

Equation 2:

$$0.9\ (\Sigma_{i=1-N}(1.8)(TC_i) + (1.9)(SE_i) + (9.0)(WC_i) + (1.2)(BC_i) + (0.791)\ (ST_i)) \geq \Sigma_{i=1-N}\ ER_{TCi}(TC_i) + ER_{SEi}(SE_i) + ER_{WCi}(WC_i) + ER_{BCi}(BC_i) + ER_{STi}(ST_i)$$

Where: N = number of finishing materials participating in averaging.
TC_i = kilograms of solids of topcoat "i" used.
SE_i = kilograms of solids of sealer "i" used.
WC_i = kilograms of solids of washcoat "i" used.
BC_i = kilograms of solids of basecoat "i" used.

ST_i = liters of stain "i" used.
ER_{TCi} = VOC content of topcoat "i" in kg VOC/kg solids, as-applied.
ER_{SEi} = VOC content of sealer "i" in kg VOC/kg solids, as-applied.
ER_{WCi} = VOC content of washcoat "i" in kg VOC/kg solids, as-applied.
ER_{BCi} = VOC content of basecoat "i" in kg VOC/kg solids, as-applied.
ER_{STi} = VOC content of stain "i" in kg VOC/liter (kg/l), as-applied.

(5) Using a control system that will achieve an equivalent reduction in emissions as the requirements of subdivision (1), (2), or (3), as calculated using the compliance provisions in section 6(a)(2) of this rule, as appropriate.

(6) Using a combination of the methods presented in this subsection.

(b) On and after January 1, 1996, each owner or operator of a wood furniture manufacturing operation subject to this rule shall limit VOC emissions from cleaning operations when using a strippable booth coating. A strippable booth coating shall contain no more than eight-tenths (0.8) kg VOC/kg solids (eight-tenths (0.8) lb VOC/lb solids), as-applied. *(Air Pollution Control Board; 326 IAC 8-11-3; filed Dec 5, 1995, 8:30 a.m.: 19 IR 1066)*

SECTION 28. 326 IAC 8-11-4 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 8-11-4 Work practice standards
Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 4. (a) On and after July 23, 1995, the owner or operator of a source or facility subject to this rule shall implement housekeeping practices that include the following:

(1) All equipment shall be maintained according to the manufacturer's specifications.

(2) All fresh or used solvent shall be stored in closed containers.

(3) All organic solvents used for line cleaning shall be pumped or drained into a closed container.

(4) Finishing materials and cleaning materials shall be stored in closed containers.

(b) On and after July 23, 1995, emissions from washoff operations shall be controlled by the following:

(1) Using closed tanks for washoff.

(2) Minimizing dripping by tilting or rotating the part to drain as much organic solvent as possible.

(c) On and after July 23, 1995, conventional air spray guns shall not be used for applying finishing materials except under the following circumstances:

(1) To apply finishing materials that have a VOC content no greater than one (1.0) kilogram of VOC per kilogram of solids (kg VOC/kg solids) (one (1.0) pound of VOC per pound of solid (lb VOC/lb solids)), as-applied.

(2) For final touch-up and repair under one (1) of the following circumstances:

(A) The finishing materials are applied after completion of the finishing operation.

(B) The finishing materials are applied after the stain and before any other type of finishing material is applied, and the finishing materials are applied from a container that has a volume of no more than two (2) gallons.

(3) If spray is automated, that is, the spray gun is aimed and triggered automatically, not manually.

(4) If emissions from the finishing application station are directed to a control device.

(5) The conventional air gun is used to apply finishing materials and the cumulative total usage of that finishing material is less than five percent (5.0%) of the total number of gallons of finishing material used during that semiannual reporting period.

(6) The conventional air gun is used to apply stain on a part for which it is technically or economically infeasible to use any other spray application technology. Technical or economic infeasibility shall be demonstrated by submitting to the department a videotape, a technical report, or other documentation that supports the claim of technical or economic infeasibility. The following criteria shall be used, either independently or in combination, to support the claim of technical or economic infeasibility:

(A) The production speed is too high or the part shape is too complex for one (1) operator to coat the part, and the application station is not large enough to accommodate an additional operator.

(B) The excessively large vertical spray area of the part makes it difficult to avoid sagging or runs in the stain.

(d) On and after May 1, 1996, the owner or operator of a wood furniture manufacturing operation subject to this rule shall ensure that spray guns are cleaned in an enclosed device that does the following:

(1) Minimizes solvent evaporation during cleaning, rinsing, and draining operations.

(2) Recirculates solvents during the cleaning operation so that the solvent is reused.

(3) Collects solvent so that it is available for proper disposal or recycling.

(e) On and after July 23, 1995, the owner or operator of a wood furniture manufacturing operation subject to this rule shall not use organic solvents containing more than eight percent (8.0%) by weight of VOC for cleaning spray booth components other than conveyors, continuous coaters and their enclosures, or metal filters, unless the spray booth is being refurbished. If the spray booth is being refurbished, that is, the spray booth coating or other material used to cover the booth is being replaced, no more than one (1.0) gallon of organic solvent shall be used to clean the booth.

(f) On and after May 1, 1996, the owner or operator of a wood furniture manufacturing operation shall implement a written training program for all new and existing personnel, including contract personnel, involved in the implementation of this rule and shall provide initial and thereafter annual training. Records of training programs shall be kept on-site with the continuous compliance plan (CCP) for a minimum of three (3) years. Documentation of the training program shall include, at a minimum, the following:

(1) A list of all personnel who are required to be trained by name and job description.

(2) An outline of the topics to be addressed in the initial and annual training program for each person, or group of personnel. Topics to be addressed shall include, at a minimum, the following:

(A) Applicable application techniques.

(B) Applicable cleaning procedures.

(C) Applicable equipment setup and adjustment to minimize finishing material usage and overspray.

(D) Appropriate management of clean-up wastes.

(3) Documentation of successful training completion for personnel involved in implementing this rule shall include the following:

(A) A listing of topics addressed at the initial or annual training. At a minimum, topics addressed shall include those listed in subdivision (2).

(B) A hands-on demonstration of the following:

(i) Correct coating application techniques.

(ii) Correct cleaning procedures.

(iii) Correct equipment setup and adjustment to minimize coating usage and overspray.

(iv) Appropriate management of clean-up wastes.

(g) On and after May 1, 1996, each owner or operator of a wood furniture manufacturing operation subject to this rule shall implement a written leak inspection and maintenance plan that specifies the following:

(1) A minimum visual inspection frequency of once per month for all equipment used to transfer or apply finishing materials or organic solvents.

(2) An inspection schedule.

(3) Methods for documenting the date and results of each inspection and any repairs that were made.

(4) The time frame between identifying a leak and making the repair that adheres to the following schedule:

(A) A first attempt at repair (such as tightening of packing glands) shall be made no later than five (5) working days after the leak is detected.

(B) Final repairs shall be made within fifteen (15) working days, unless the leaking equipment is to be replaced by a new purchase, in which case repairs shall be completed within three (3) months.

(h) On and after May 1, 1996, an organic solvent accounting form shall be maintained to record the following:

(1) The quantity and type of organic solvent used each month for washoff and cleaning.

(2) The number of pieces washed off, and the reason for the washoff.

(3) The quantity of spent organic solvent generated from each activity, and the quantity that is recycled on-site or disposed off-site each month.

(Air Pollution Control Board; 326 IAC 8-11-4; filed Dec 5, 1995, 8:30 a.m.: 19 IR 1066; errata filed Apr 9, 1996, 2:30 p.m.: 19 IR 2045)

SECTION 29. 326 IAC 8-11-5 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 8-11-5 Continuous compliance plan
Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 5. (a) On or before May 1, 1996, each owner or operator of a source or facility subject to this rule shall submit to the department a continuous compliance plan (CCP). The CCP shall address, at a minimum, the topics addressed in section 4 of this rule.

(b) The CCP shall include a statement signed by a responsible official certifying that the wood furniture manufacturing operation is in compliance with the following:

(1) The emission limits of section 3 of this rule.

(2) The work practice standards of section 4 of this rule.

(c) A copy of the CCP shall be maintained on-site and shall be available for inspection by the department upon request.

(d) If the department determines that the CCP does not adequately address each of the topics specified in subsection (a), the department shall require the owner or operator of the wood furniture manufacturing operation to modify the CCP. *(Air Pollution Control Board; 326 IAC 8-11-5; filed Dec 5, 1995, 8:30 a.m.: 19 IR 1068)*

SECTION 30. 326 IAC 8-11-6 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 8-11-6 Compliance procedures and monitoring requirements
Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 6. (a) The owner or operator of a wood furniture manufacturing operation subject to the emission limits in section 3 of this rule shall demonstrate compliance with the provisions of section 3 of this rule by using any of the following methods:

(1) To support that each sealer, topcoat, and strippable booth coating meets the requirements of section 3(a)(1) through 3(a)(3) or 3(b) of this rule, maintain documentation that uses EPA Method 24* data, or data from an equivalent or alternative method, to determine the VOC and solids content of the as-supplied finishing material. If solvent or other VOC is added to the finishing material before application, the wood furniture manufacturing operation shall maintain documentation showing the VOC content of the finishing material as-applied, in kilograms of VOC per kilogram of solids (kg VOC/kg solids).

(2) To comply through the use of a control system as described in section 3(a)(5) of this rule the following are required:

(A) Determine the overall control efficiency needed to demonstrate compliance using Equation 3:

Equation 3: $O = ((V - E)/V)(100)$

Where: O = overall control efficiency of the capture system and control device as percentage.

V = actual VOC content of the finishing system material or, if multiple finishing materials are used, the daily weighted average VOC content of all finishing materials, as-applied to the substrate in pounds of VOC per pound of solids (lbs VOC/lb solids).

E = equivalent VOC emission limits in lbs VOC/lb solids.

(B) Document that the value of V in Equation 3 is obtained from the VOC and solids content of the as-applied finishing material.

(C) Calculate the overall efficiency of the capture system and control device, using the procedures in section 7 of this rule, and demonstrate that the value of the overall control efficiency thus estimated is equal to or greater than the value of O calculated by Equation 3.

(b) Initial compliance shall be demonstrated as follows:

(1) Owners or operators of a wood furniture manufacturing operation subject to the provisions of section 3(a)(1) through 3(a)(3) or 3(b) of this rule that are complying through the procedures established in subsection (a)(1) shall submit an initial compliance status report, as required by sections 5 and 9 of this rule, stating that compliant sealers and topcoats and strippable booth coatings are being used by the wood furniture manufacturing operations.

(2) Owners or operators of a wood furniture manufacturing operation subject to the provisions of section 3(a)(1) through 3(a)(3) or 3(b) of this rule that are complying through the procedures established in subsection (a)(1) and are applying sealers and topcoats using continuous coaters shall demonstrate initial compliance by either of the following:

(A) Submitting an initial compliance status report stating that compliant sealers and topcoats, as determined by the VOC content of the finishing material in the reservoir and the VOC content as calculated from records, are being used.

(B) Submitting an initial compliance status report stating that compliant sealers or topcoats, as determined by the VOC content of the finishing material in the reservoir, are being used and the viscosity of the finishing material in the reservoir is being monitored. The wood furniture manufacturing operation shall also provide data that demonstrates the correlation between the viscosity of the finishing material and the VOC content of the finishing material in the reservoir.

(3) Owners or operators of a wood furniture manufacturing operation using a control system or capture or control device to comply with the requirements of this rule, as allowed by section 3(a)(5) of this rule and subsection (a)(2) shall demonstrate initial compliance by doing the following:

(A) On or before January 1, 1996, conducting an initial compliance test using the procedures and test methods listed in section 7 of this rule.

(B) On or before January 1, 1996, calculating the overall control efficiency.

(C) On or before January 1, 1996, determining those operating conditions critical to determining compliance and establishing operating parameters that will ensure compliance with the standards as follows:

(i) For compliance with a thermal incinerator, minimum combustion temperature shall be the operating parameter.

(ii) For compliance with a catalytic incinerator equipped with a fixed catalyst bed, the minimum gas temperature both upstream and downstream of the catalyst bed shall be the operating parameter.

(iii) For compliance with a catalytic incinerator equipped with a fluidized catalyst bed, the minimum gas temperature upstream of the catalyst bed and the pressure drop across the catalyst bed shall be the operating parameters.

(iv) For compliance with a carbon adsorber, the operating parameters shall be either the total regeneration mass stream flow for each regeneration cycle and the carbon bed temperature after each regeneration, or the concentration level of organic compounds exiting the adsorber, unless the owner or operator requests and receives approval from the commissioner to establish other operating parameters.

(v) For compliance with a control device not listed in this rule, the owner or operator shall submit to the department a description of the control device, test data, verifying the performance of the device, and

appropriate operating values that will be monitored to demonstrate continuous compliance with the standard. Compliance using this device is subject to the commissioner's approval.

(D) Owners or operators complying with this subdivision shall calculate the site-specific operating parameter value as the arithmetic average of the maximum or minimum operating parameter values, as appropriate, that demonstrate compliance with the standards, during the initial compliance test required in subsection (c)(3)(A)(iv).

(E) On or before May 1, 1996, submitting a monitoring plan that identifies the operating parameter to be monitored for the capture device and discusses why the parameter is appropriate for demonstrating ongoing compliance.

(4) Owners or operators of a wood furniture manufacturing operation subject to the continuous compliance plan (CCP) in section 5 of this rule shall submit an initial compliance status report, as required by section 9(b) of this rule, stating that the CCP has been developed and procedures have been established for implementing the provisions of the plan.

(c) Continuous compliance shall be demonstrated as follows:

(1) Owners or operators of a wood furniture manufacturing operation subject to the provisions of section 3 of this rule that are complying through the procedures established in subsection (a)(1) shall demonstrate continuous compliance by using compliant materials, maintaining records that demonstrate the finishing materials are compliant, and submitting a compliance certification with the semiannual report required by section 9(c) of this rule. The compliance certification requirements shall be as follows:

(A) State that compliant sealers and topcoats and strippable booth coatings have been used each day in the semiannual reporting period, or should otherwise identify the days of noncompliance and the reasons for noncompliance. A wood furniture manufacturing operation is in violation of the standard whenever a noncompliant material, as determined by records or by a sample of the finishing material, is used. Use of a noncompliant material is a separate violation for each day the noncompliant material is used.

(B) The compliance certification shall be signed by a responsible official.

(2) Owners or operators of a wood furniture manufacturing operation subject to the provisions of section 3 of this rule that are complying through the procedures established in subsection (a)(1) and are applying sealers and topcoats using continuous coaters shall demonstrate continuous compliance by use of the following procedures:

(A) Using compliant materials, as determined by the VOC content of the finishing material in the reservoir and the VOC content as calculated from records, and submitting a compliance certification with the semiannual report required by section 9(c) of this rule. The compliance certificate requirements shall be as follows:

(i) State that compliant sealers and topcoats have been used each day in the semiannual reporting period, or should otherwise identify the days of noncompliance and the reasons for noncompliance. A wood furniture manufacturing operation is in violation of the standard whenever a noncompliant material, as determined by records or by a sample of the finishing material, is used. Use of a noncompliant material is a separate violation for each day the noncompliant material is used.

(ii) The compliance certification shall be signed by a responsible official.

(B) Using compliant materials, as determined by the VOC content of the finishing material in the reservoir, maintaining a viscosity of the finishing material in the reservoir that is no less than the viscosity of the initial finishing material by monitoring the viscosity with a viscosity meter or by testing the viscosity of the initial finishing material and retesting the material in the reservoir each time solvent is added, maintaining records of solvent additions, and submitting a compliance certification with the semiannual report required by section 9(c) of this rule. The compliance certification requirements shall be as follows:

(i) State that compliant sealers and topcoats, as determined by the VOC content of the finishing material in the reservoir, have been used each day in the semiannual reporting period. Additionally, the certification shall state that the viscosity of the finishing material in the reservoir has not been less than the viscosity of the initial finishing material, that is, the material that is initially mixed and placed in the reservoir, for any day in the semiannual reporting period.

(ii) The compliance certification shall be signed by a responsible official.

(iii) A wood furniture manufacturing operation is in violation of the standard when a sample of the as-applied finishing material exceeds the applicable limit established in section 3(a)(1) through 3(a)(3) of this rule, as determined using EPA Method 24*, or an equivalent or alternative method, or the viscosity of the finishing material in the reservoir is less than the viscosity of the initial finishing material.

(3) Owners or operators of a wood furniture manufacturing operation subject to the provisions of section 3 of this rule that are complying through the use of a control system or a capture or control device shall demonstrate continuous compliance by complying with the control system operation, maintenance, and testing, and control system monitoring, record keeping, and reporting requirements as follows:

(A) For sources choosing to meet the emission limit requirements of section 3(a)(5) of this rule at any facility using a control device or devices, the following requirements apply:

(i) The control system shall be operated and maintained according to the manufacturer's recommendations but may be modified based upon the results of the initial or subsequent compliance test or upon the written request of the department.

(ii) The operating and maintenance procedures shall be followed beginning no later than January 1, 1996. A copy of the procedures shall be submitted to the department no later than May 1, 1996.

(iii) A copy of the operating and maintenance procedures shall be maintained in a convenient location at the source property and as close to the control system as possible for the reference of plant personnel and department inspectors.

(iv) The control system shall be tested according to the following schedule and under the following situations:

(AA) An initial compliance test shall be conducted on or before January 1, 1996, and every two (2) years after the date of the initial test.

(BB) A compliance test shall also be conducted whenever the owner or operator chooses to operate a control system under conditions different from those that were in place at the time of the previous compliance test.

(CC) If the owner or operator chooses to change the method of compliance with section 3 of this rule, a compliance test shall be performed within three (3) months of the change.

(DD) A compliance test shall also be performed within ninety (90) days of the receipt of a written request from the department or the U.S. EPA.

(EE) All compliance tests shall be conducted according to a protocol approved by the department at least thirty (30) days before the test. The protocol shall contain, at a minimum, the following information:

(aa) Test procedures.

(bb) Operating and control system parameters.

(cc) Type of VOC containing process material being used.

(dd) The process and control system parameters that will be monitored during the test.

(B) Control system monitoring, record keeping, and reporting requirements are as follows:

(i) Sources that choose to meet the emission limit requirements of section 3 of this rule with the use of a control device or devices shall install, calibrate, maintain, and operate, according to the manufacturer's specification, the following monitoring equipment unless an alternative monitoring procedure has been approved by the commissioner:

(AA) If a thermal incinerator is used for VOC reduction, a temperature monitoring device capable of continuously recording the temperature of the gas stream in the combustion zone of the incinerator shall be used. The temperature monitoring device shall have an accuracy of one percent (1%) of the temperature being measured in degrees centigrade or plus or minus five-tenths degree Centigrade (0.5°C), whichever is greater.

(BB) If a catalytic incinerator is used for VOC reduction, a temperature device capable of continuously recording the temperature in the gas stream immediately before and after the catalyst bed of the incinerator shall be used. The temperature monitoring device shall have an accuracy of one percent (1%) of the

temperature being measured in degrees centigrade plus or minus five-tenths degree Centigrade (0.5°C), whichever is greater.

(CC) If a carbon adsorber is used to remove and recover VOC from the gas stream, a VOC monitoring device capable of continuously recording the concentration level of VOC at the outlet of the carbon bed shall be used. The monitoring device shall be based on a detection principle such as infrared, photoionization, or thermal conductivity.

(DD) Where a VOC recovery device other than a carbon adsorber is used, the source shall provide to the department information describing the operation of the device and the process parameters that would indicate proper operation and maintenance of the control device. The department may request further information and will specify appropriate monitoring procedures and reporting requirements.

(ii) Sources subject to the requirements of this rule shall maintain the following records:

(AA) A log of the operating time of the facility, the facility's capture system, control device, and monitoring equipment.

(BB) A maintenance log for the capture system, the control device, and the monitoring equipment detailing all routine and nonroutine maintenance performed. The log shall include the dates and duration of any outages of the capture system, the control device, or the monitoring system.

(CC) The following additional records shall be maintained for facilities using thermal incinerators:

(aa) Continuous records of the temperature in the gas stream in the combustion zone of the incinerator.

(bb) Records of all three (3) hour periods of operation for which the average combustion temperature of the gas stream in the combustion zone was more than fifty degrees Fahrenheit (50°F) below the combustion zone temperature that existed during the most recent compliance test that demonstrated that the facility was in compliance.

(DD) The following additional records shall be maintained for facilities using catalytic incinerators:

(aa) Continuous records of the temperature of the gas stream both upstream and downstream of the catalyst bed of the incinerator.

(bb) Records of all three (3) hour periods of operation for which the average temperature measured at the process vent stream immediately before the catalyst bed is more than fifty degrees Fahrenheit (50°F) below the average temperature of the process vent stream that existed during the most recent compliance test that demonstrated that the facility was in compliance.

(cc) Records of all three (3) hour periods of operation for which the average temperature difference across the catalyst bed is less than eighty percent (80%) of the temperature difference measured during the most recent compliance test that demonstrated that the facility was in compliance.

(EE) The following additional records shall be maintained for facilities using carbon adsorbers:

(aa) Continuous records of the VOC concentration level or reading in the exhaust stream of the carbon adsorber.

(bb) Records of all three (3) hour periods of operation during which the average VOC concentration level or reading in the exhaust gas is more than twenty percent (20%) greater than the average exhaust gas concentration level or reading measured by the organic monitoring device during the most recent determination of the recovery efficiency of the carbon adsorber that demonstrated that the facility was in compliance.

(FF) Facilities using VOC recovery devices other than carbon adsorbers shall maintain the monitoring records and meet the reporting requirements specified by item (i)(DD).

(GG) Information requirements in subitems (BB), (CC)(bb), (DD)(bb), (DD)(cc), and (EE)(bb) shall be submitted to the department within thirty (30) days of occurrence. The following information shall accompany the submittal:

(aa) The name and location of the facility.

(bb) Identification of the control system where the excess emission occurred and the facility it served.

(cc) The time, date, and duration of the exceedance.

(dd) Corrective action taken.

(4) Owners or operators of a wood furniture manufacturing operation subject to the CCP in section 5 of this rule shall demonstrate continuous compliance by following the provisions of the CCP and submitting a compliance certification with the semiannual report required by section 9(c) of this rule. The compliance certification requirements shall be as follows:

(A) State that the CCP is being followed, or shall otherwise identify the periods of noncompliance with the work practice standards. Each failure to implement an obligation under the plan during any particular day is a separate violation.

(B) The compliance certification shall be signed by a responsible official.

*Copies of EPA Method 24 may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections of the referenced materials are also available from the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. *(Air Pollution Control Board; 326 IAC 8-11-6; filed Dec 5, 1995, 8:30 a.m.: 19 IR 1068; errata filed Apr 9, 1996, 2:30 p.m.: 19 IR 2045)*

SECTION 31. 326 IAC 8-11-7 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 8-11-7 Test procedures
Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 7. (a) Compliance with the emission limits in section 3 of this rule shall be determined by the procedures and methods contained in 326 IAC 8-1-4 and 40 CFR 60, Appendix A*. The owner or operator of the wood furniture manufacturing operation may request approval from the department and the U.S. EPA to use an equivalent or alternative method.

(b) If it is demonstrated to the satisfaction of the department and the U.S. EPA that a finishing material does not release VOC byproducts during the cure, for example, all VOC is solvent, then batch formulation information shall be accepted. In the event of any inconsistency between an EPA Method 24* test and a facility's formulation data, that is, if the EPA Method 24* value is higher, the EPA Method 24* shall govern.

(c) Owners or operators complying with the provision of this rule through use of a control system shall demonstrate initial compliance by demonstrating the overall control efficiency determined by using procedures in 326 IAC 8-1-4 and 40 CFR 60*, Appendix A, is at least equal to the required overall control efficiency determined by using the equation in section 6(a)(2)(A) of this rule.

(d) All tests required in this section shall be conducted according to protocol developed in consultation with the department.

*Copies of 40 CFR 60, Appendix A may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections of the referenced materials are also available from the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. *(Air Pollution Control Board; 326 IAC 8-11-7; filed Dec 5, 1995, 8:30 a.m.: 19 IR 1072)*

SECTION 32. 326 IAC 8-11-8 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 8-11-8 Record keeping requirements
Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 8. (a) The owner or operator of a wood furniture manufacturing operation subject to the emission limits in section 3 of this rule shall maintain records of the following:

(1) A list of each finishing material and strippable booth coating subject to the emission limits in section 3 of this rule.

(2) The VOC and solids content, as-applied, of each finishing material and strippable booth coating subject to the emission limits in section 3 of this rule, and copies of data sheets documenting how the as-applied values were determined.

(b) The owner or operator of a wood furniture manufacturing operation following the compliance procedures of section 6(c)(2) of this rule shall maintain the records required by subsection (a) and daily records of the following:

(1) Solvent and finishing material additions to the continuous coater reservoir.

(2) Viscosity measurements.

(c) The owner or operator of a wood furniture manufacturing operation following the compliance method of section 6(a)(2) of this rule in addition to complying with the record keeping requirement of section 6(c)(3)(B) of this rule shall maintain the following records:

(1) Copies of the calculations to support the equivalency of using a control system, as well as the data that are necessary to support the calculation of the required overall control efficiency and actual determined control efficiency.

(2) Records of the daily average value of each continuously monitored parameter for each operating day. If all recorded values for a monitored parameter are within the range established during the initial performance test, the owner or operator may record that all values were within the range rather than calculating and recording an average for that day.

(d) The owner or operator of a wood furniture manufacturing operation subject to the work practice standards in section 4 of this rule shall maintain on-site the continuous compliance plan (CCP) and all records associated with fulfilling the requirements of that plan, including, but not limited to, the following:

(1) Records demonstrating compliance with the operator training program.

(2) Records maintained in accordance with the leak inspection and maintenance plan.

(3) Records associated with the cleaning solvent accounting system.

(4) Records associated with the limitation on the use of conventional air spray guns showing total finishing material usage and the percentage of finishing materials applied with conventional air spray guns for each semiannual reporting period.

(5) Records showing the VOC content of solvent used for cleaning booth components, except for solvent used to clean conveyors, continuous coaters and their enclosures, or metal filters.

(6) Copies of logs and other documentation developed to demonstrate that the other provisions of the CCP are followed.

(e) In addition to the records required by subsection (a), the owner or operator of a wood furniture manufacturing operation shall maintain a copy of the compliance certifications submitted in accordance with section 9(c) of this rule for each semiannual period following the compliance date.

(f) The owner or operator of a wood furniture manufacturing operation source shall maintain a copy of all other information submitted with the initial report required by section 9(b) of this rule and the semiannual reports required by section 9(c) of this rule.

(g) The owner or operator of a wood furniture manufacturing operation shall maintain all records for a minimum of three (3) years.

(h) Failure to maintain the records required by this section shall constitute a violation of the rule for each day records are not maintained. *(Air Pollution Control Board; 326 IAC 8-11-8; filed Dec 5, 1995, 8:30 a.m.: 19 IR 1072)*

SECTION 33. 326 IAC 8-11-9 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 8-11-9 Reporting requirements
Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 9. (a) The owner or operator of a wood furniture manufacturing operation using a control system to fulfill the requirements of this rule is subject to the reporting requirements of section 6(c)(3)(B)(ii)(GG) of this rule.

(b) On or before May 1, 1996, the owner or operator of a wood furniture manufacturing operation shall submit to the department the following:

(1) The continuous compliance plan required by section 5 of this rule.

(2) The initial compliance report for sources using add-on controls as required by section 6(b)(3) of this rule.

(c) The owner or operator of a wood furniture manufacturing operation subject to this rule and demonstrating compliance in accordance with section 6(a)(1) or 6(a)(2) of this rule shall submit a semiannual report covering the previous six (6) months of wood furniture manufacturing operations according to the following schedule:

(1) The first report shall be submitted thirty (30) calendar days after the end of the first six (6) month period following the compliance date.

(2) Subsequent reports shall be submitted within thirty (30) calendar days after the end of each six (6) month period following the first report.

(3) Each semiannual report shall include the information required by section 6(c) of this rule, a statement of whether the wood furniture manufacturing operation was in compliance or noncompliance, and, if the wood furniture manufacturing operation was not in compliance, the measures taken to bring the wood furniture manufacturing operation source into compliance.

(Air Pollution Control Board; 326 IAC 8-11-9; filed Dec 5, 1995, 8:30 a.m.: 19 IR 1073)

SECTION 34. 326 IAC 8-11-10 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 8-11-10 Provisions for sources electing to use emissions averaging
Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 10. (a) The owner or operator of the wood furniture manufacturing operation electing to comply with the emissions standards in section 3(a)(4) of this rule shall submit to the department for approval a plan addressing the following provisions:

(1) Program goals and rationale as follows:

(A) Provide a summary of the reasons why the wood furniture manufacturing operation would like to comply with the emission limitation through the procedures established in section 3(a)(4) of this rule.

(B) Provide a summary of how averaging can be used to meet the emission limitation.

(C) Document that the additional environmental benefit requirement is being met through the use of the equations in section 3(a)(4) of this rule. These equations ensure that the wood furniture manufacturing operation achieves an additional ten percent (10%) reduction in emissions when compared to wood furniture manufacturing operations using a compliant coatings approach to meet the requirements of the rule.

(2) Program scope as follows:

(A) Include the types of finishing materials that will be included in the wood furniture manufacturing operations' averaging program.

(B) Stains, basecoats, washcoats, sealers, and topcoats may be used in the averaging program.

(C) Finishing materials that are applied using continuous coaters may only be used in an averaging program if the wood furniture manufacturing operation can determine the amount of finishing material used each day.

(3) For program baseline, each finishing material included in the averaging program shall be the lower of the actual or allowable emission rate as of the effective date of this rule.

(4) Quantification procedures as follows:

(A) Describe how emissions and changes in emissions will be quantified, including methods for quantifying usage of each finishing material. Quantification procedures for VOC content are included in section 7 of this rule.

(B) Quantification methods used shall be accurate enough to ensure that the wood furniture manufacturing operations' actual emissions are less than the allowable emissions, as calculated using Equation 1 or 2 in section 3(a)(4) of this rule, on a daily basis.

(5) Monitoring, record keeping, and reporting as follows:

(A) Provide a summary of the monitoring, record keeping, and reporting procedures that will be used to demonstrate daily compliance with the equations presented in section 3(a)(4) of this rule.

(B) Monitoring, record keeping, and reporting procedures shall be structured in such a way that the department and facility owners can determine a wood furniture manufacturing operations' compliance status for any day.

(b) Pending approval by the department and the U.S. EPA of the proposed emissions averaging plan, the owner or operator shall continue to comply with the provisions of this rule. *(Air Pollution Control Board; 326 IAC 8-11-10; filed Dec 5, 1995, 8:30 a.m.: 19 IR 1073)*

SECTION 35. 326 IAC 9-1-1 IS BEING AMENDED AND CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 9-1-1 Applicability of rule

Authority: 13-17-3-4; IC 13-14-8

Affected: IC 13-17-1; IC 13-12-3-1; IC 13-14-8-3; IC 13-14-8-4

Sec. 1. This rule ~~(326 IAC 9-1)~~ is applicable to all stationary sources of carbon monoxide (CO) emissions commencing operation after March 21, 1972, **and for which emission limits have been established in section 2 of this rule.** *(Air Pollution Control Board; 326 IAC 9-1-1; filed Mar 10, 1988, 1:20 pm: 11 IR 2547)*

SECTION 36. 326 IAC 9-1-2 IS BEING AMENDED AND CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 9-1-2 Carbon monoxide emission limits

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-3-12

Affected: IC 13-15; IC 13-17

Sec. 2. ~~Emission~~ **Emissions** of carbon monoxide shall be limited to the following unless alternative limitations and requirements have been established in a Part 70 permit in accordance with 326 IAC 2-7-24, **or unless specific carbon monoxide emission limits have been established in 326 IAC 11, 326 IAC 20, 40 CFR 60*, 40 CFR 62*, or 40 CFR 63*:**

(1) Petroleum refining emissions. No person shall cause or allow the discharge of carbon monoxide from any catalyst regeneration of a petroleum cracking system or from any petroleum fluid coker into the atmosphere unless the waste gas stream is burned in a direct-flame afterburner or boiler **that maintains a minimum temperature of one thousand three hundred (1,300) degrees Fahrenheit for a minimum retention time of three-tenths (0.3) second** or is controlled by other means approved by the commissioner.

(2) Ferrous metal smelters. No person shall cause or allow the discharge of carbon monoxide from any grey iron cupola, blast furnace, basic oxygen steel furnace, or other ferrous metal smelting equipment, having a capacity of ten (10) tons per hour or more process weight unless the waste gas stream is burned in a direct-flame afterburner or boiler **that maintains a minimum temperature of one thousand three hundred (1,300) degrees Fahrenheit for**

a minimum retention time of three-tenths (0.3) second or is controlled by other means approved by the commissioner. In instances where carbon monoxide destruction is not required, carbon monoxide emissions shall be released at such elevation that the maximum ground level concentration from a single source shall not exceed twenty percent (20%) of the maximum one (1) hour Indiana ambient air quality value for carbon monoxide.

(3) ~~Refuse~~ **Solid waste** incineration and burning equipment. No person shall ~~cause or allow the discharge of carbon monoxide from refuse incineration~~ **operate an incinerator** or burning equipment **that burns solid waste, as defined in 329 IAC 11-2-39,** unless the waste gas stream is burned in a direct-flame afterburner **that maintains a minimum temperature of one thousand three hundred (1,300) degrees Fahrenheit for a minimum retention time of three-tenths (0.3) seconds** or ~~is~~ **carbon monoxide emissions are** controlled by other means approved by the commissioner.

***Citations to the Code of Federal Regulations (CFR) in this section are incorporated by reference and may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204.** *(Air Pollution Control Board; 326 IAC 9-1-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2547; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2370)*

SECTION 37. 326 IAC 18-2-1 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 18-2-1 Applicability
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-11-2-158; IC 13-17

Sec. 1. This rule applies to persons who provide an approved initial training course or an approved refresher training course for the purpose of licensing persons under 326 IAC 18-1. Those training providers currently holding a valid Indiana letter of approval, per discipline, shall be considered approved per discipline under this rule until the expiration date as stated on each letter of approval. *(Air Pollution Control Board; 326 IAC 18-2-1; filed Sep 23, 1988, 1:45 a.m.: 12 IR 273; filed May 12, 1998, 9:15 a.m.: 21 IR 3756)*

SECTION 38. 326 IAC 18-2-2 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 18-2-2 Definitions
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-11-2-158; IC 13-17

Sec. 2. The following definitions apply throughout this rule:

(1) "Approved initial training course" means a course approved by the department under this rule, for purposes of providing initial training to persons to become licensed.

(2) "Approved refresher training course" means a course approved by the department under this rule, for purposes of providing refresher training to licensed persons.

(3) "Asbestos" means the asbestiform varieties of the following:
(A) Chrysotile (serpentine).
(B) Crocidolite (riebeckite).
(C) Amosite (cummingtonite-grunerite).
(D) Anthophyllite.
(E) Tremolite.
(F) Actinolite.

(4) "Asbestos-containing material" or "ACM" means asbestos or any material containing more than one percent (1%) asbestos as determined using methods specified in 40 CFR 763, Subpart E, Appendix E, Section I, Polarized Light Microscopy* including Category I and Category II ACM and all friable material.

(5) "Asbestos removal project" means any and all activities at a facility involving the removal, encapsulation, enclosure, abatement, renovation, repair, removal, storage, stripping, dislodging, cutting, or drilling that results in the disturbance or repair of the following:

(A) At least three (3) linear feet of RACM on or off pipes.

(B) At least three (3) square feet of RACM on or off other facility components.

(C) A total of at least seventy-five hundredths (0.75) cubic foot of RACM on or off all facility components.

These activities include, but are not limited to, work area preparation, implementation of engineering controls and work practices, and work area decontamination activities required by 326 IAC 14-10-4 or 29 CFR 1926.1101* (Occupational Safety and Health Administration Occupational Exposure to Asbestos).

(6) "Day", for purposes of determining duration of approved training courses, means eight (8) hours including breaks and lunch.

(7) "Facility" means any:

(A) school building;

(B) institutional, commercial, public, or industrial, building, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four (4) or fewer dwelling units);

(C) ship; and

(D) active or inactive waste disposal site.

For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation, or building that was previously subject to 326 IAC 14 is included, regardless of its current use or function.

(8) "Facility component" means any part of a facility, including equipment.

(9) "Friable", when referring to material at a facility, means that the material, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure or mechanical forces reasonably expected to act on the material and includes previously nonfriable material after such nonfriable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure or mechanical forces reasonably expected to act on the material.

(10) "Hands-on training", when referring to a topic covered by a training course, means training which gives students actual experience performing tasks associated with the accredited discipline as follows:

(A) For asbestos contractors, supervisors, workers, and disposal managers, the inclusion of the following:

(i) Working with asbestos-substitute material.

(ii) Fitting and using respirators.

(iii) Use of glove bags.

(iv) Donning protective clothing.

(v) Constructing a decontamination unit.

(vi) Other related abatement work activities.

(B) For asbestos inspectors, the inclusion of the following:

(i) Simulated building walk-through inspection.

(ii) Respirator fit testing.

(11) "Licensed", when referring to a person, means a person holding a current asbestos license issued by the department under 326 IAC 18-1 in the following disciplines:

(A) Inspector.

(B) Management planner.

(C) Project designer.

(D) Asbestos supervisor.
(E) Asbestos worker.
(F) Asbestos contractor.
(G) Waste disposal manager.

(12) "Management plan" means a document prepared under the Asbestos-Containing Materials in Schools Rule that addresses the manner in which ACM will be handled in a school building.

(13) "Nonfriable", when referring to material at a facility, means material which, when dry, may not be crumbled, pulverized, or reduced to powder by either hand pressure or mechanical forces reasonably expected to act on the material.

(14) "Person" has the meaning set forth in IC 13-11-2-158(a).

(15) "Regulated asbestos-containing material" or "RACM" means the following:

(A) Friable asbestos material.
(B) Category I nonfriable ACM that has become friable.
(C) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, abrading, or burning.
(D) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this article.

The term does not include nonfriable asbestos-containing resilient floor covering materials unless the materials are sanded, beadblasted, or mechanically pulverized so that visible asbestos emissions are discharged or the materials are burned. Resilient floor covering materials include sheet vinyl flooring, resilient tile, or associated adhesives.

(16) "School" means any combination of grades kindergarten, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, or 12.

(17) "School building" means any of the following:

(A) A structure at a school suitable for use as a classroom, laboratory, library, school eating facility, or facility used for the preparation of food.
(B) A gymnasium or other facility at a school that is specially designed for athletic or recreational activities for an academic course in physical education.
(C) Another facility used by a school for the instruction or housing of students or for the administration of educational or research programs.
(D) A maintenance, storage, or utility facility, including any hallway, essential to the operation of any facility described in clauses (A) through (C).
(E) A portico or covered exterior hallway or walkway that is part of a school.
(F) An exterior portion of a mechanical system used to heat, ventilate, or air condition (HVAC) the interior space of a school.

(18) "Training course provider" means a person who provides an approved initial training course or an approved refresher training course for the purpose of licensing persons under 326 IAC 18-1.

(19) "TSCA Title II" refers to 15 U.S.C. 2641 et seq. of the federal Toxic Substances Control Act as amended on October 22, 1986 **.

*Copies of the Code of Federal Regulations may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204.

**Copies of TSCA Title II may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections are also available for copying at the Indiana Department of Environmental Management, Indiana Government Center-North, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204. *(Air Pollution Control Board; 326 IAC 18-2-2; filed Sep 23, 1988, 1:45 a.m.: 12 IR 273; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2114; filed May 12, 1998, 9:15 a.m.: 21 IR 3756)*

SECTION 39. 326 IAC 18-2-3 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 18-2-3 Initial training course requirements
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-11-2-158; IC 13-17

Sec. 3. (a) In order to qualify for approval, an asbestos inspector training course shall include a written examination as outlined in section 5 of this rule and meet the following requirements:

(1) An asbestos inspector training course shall be at least three (3) days in duration and shall include lectures, demonstrations, four (4) hours of hands-on training, individual respirator fit testing, and a course review. Audiovisual materials shall be used to complement lectures where appropriate.

(2) An asbestos inspector training course shall adequately address the following topics:

(A) Background information on asbestos to include the following:

(i) The identification of asbestos and examples and discussion of the uses and locations of asbestos in buildings.

(ii) The physical appearance of asbestos.

(B) Potential health effects related to asbestos exposure to include the following:

(i) The nature of asbestos-related diseases.

(ii) Routes of exposure.

(iii) Dose-response relationships and the lack of a safe exposure level.

(iv) The synergistic effect between cigarette smoking and asbestos exposure.

(v) The latency period for asbestos-related diseases.

(vi) A discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancer of other organs.

(C) Functions, qualifications, and role of inspectors to include the following:

(i) Discussion of prior experience and qualifications for inspectors and management planners.

(ii) Discussion of the functions of an accredited inspector as compared to those of an accredited management planner.

(iii) Discussion of the inspection process, including inventory of ACM and physical assessment.

(D) Legal liabilities and defenses to include the following:

(i) Responsibilities of the inspector and management planner.

(ii) A discussion of comprehensive general liability policies, claims-made and occurrence policies, environmental and pollution liability policy clauses.

(iii) State liability insurance requirements.

(iv) Bonding and the relationship of insurance availability to bond availability.

(E) Understanding building systems to include the following:

(i) The interrelationship between building systems, including an overview of common building physical plan layout.

(ii) Heat, ventilation, and air conditioning (HVAC) system types, physical organization, and where asbestos is found on HVAC components.

(iii) Building mechanical systems, their types and organization, and where to look for asbestos on such systems.

(iv) Inspecting electrical systems, including appropriate safety precautions.

(v) Reading blueprints and as-built drawings.

(F) Public, employee, or building occupant relations to include the following:

(i) Notification of employee organizations about the inspection.

(ii) Signs to warn building occupants.

(iii) Tact in dealing with occupants and the press.

(iv) Scheduling of inspections to minimize disruption.
(v) Education of building occupants about actions being taken.
(G) Preinspection planning and review of previous inspection records to include the following:
(i) Scheduling the inspection and obtaining access.
(ii) Building record review.
(iii) Identification of probable homogeneous areas from blueprints or as-built drawings.
(iv) Consultation with maintenance or building personnel.
(v) Review of previous inspection, sampling, and abatement records of a building.
(vi) The role of the inspector in exclusions for previously performed inspections.
(H) Inspecting for friable and nonfriable ACM and assessing the condition of friable ACM to include the following:
(i) Procedures to follow in conducting visual inspections for friable and nonfriable ACM.
(ii) Types of building materials that may contain asbestos.
(iii) Touching materials to determine friability.
(iv) Open return air plenums and their importance in HVAC systems.
(v) Assessing damage, significant damage, potential damage, and potential significant damage.
(vi) Amount of suspected ACM, both in total quantity and as a percentage of the total area.
(vii) Type of damage.
(viii) Accessibility.
(ix) Material's potential for disturbance.
(x) Known or suspected causes of damage or significant damage.
(xi) Deterioration as assessment factors.
(I) Bulk sampling or documentation of asbestos in schools to include the following:
(i) Detailed discussion of the "Simplified Sampling Scheme for Friable Surfacing Materials (U.S. EPA 560/5-85-030a October 1985)*".
(ii) Techniques to ensure sampling in a randomly distributed manner for other than friable surfacing materials.
(iii) Sampling of nonfriable materials.
(iv) Techniques for bulk sampling.
(v) Sampling equipment the inspector should use.
(vi) Patching or repair of damage done in sampling.
(vii) An inspector's repair kit.
(viii) Discussion of polarized light microscopy.
(ix) Choosing an accredited laboratory to analyze bulk samples.
(x) Quality control and quality assurance procedures.
(J) Inspector respiratory protection and personal protective equipment to include the following:
(i) Classes and characteristics of respirator types.
(ii) Limitations of respirators.
(iii) Proper selection, inspection, donning, use, maintenance, and storage procedures for respirators.
(iv) Methods for field testing of the facepiece-to-mouth seal (positive and negative pressure fitting tests).
(v) Qualitative and quantitative fit testing procedures.
(vi) Variability between field and laboratory protection factors.
(vii) Factors that alter respirator fit, for example, facial hair.
(viii) The components of a proper respiratory protection program.
(ix) Selection and use of personal protective clothing.
(x) Use, storage, and handling of nondisposable clothing.
(K) Record keeping and writing the inspection report to include the following:
(i) Labeling of samples and keying sample identification to sampling location.

(ii) Recommendations on sample labeling.
(iii) Detailing of ACM inventory.
(iv) Photographs of selected sampling areas and examples of ACM condition.
(v) Information required for inclusion in the management plan by Section 203(i)(1) TSCA Title II.

(L) Regulatory review to include the following:
(i) National Emission Standards for Hazardous Air Pollutants (NESHAP) found at 40 CFR 61, Subparts A (General Provisions) and M (National Emission Standard for Asbestos)*.
(ii) U.S. EPA worker protection rule found at 40 CFR 763, Subpart G*.
(iii) TSCA Title II.
(iv) Occupational Safety and Health Administration (OSHA) asbestos construction standard found at 29 CFR 1926.1101* (Occupational Safety and Health Administration Occupational Exposure to Asbestos).
(v) OSHA respirator requirements found at 29 CFR 1910.134*.
(vi) The friable ACM in schools rule found at 40 CFR 763, Subpart E*.
(vii) Applicable state and local regulations and differences in federal or state requirements where they apply and the effects, if any, on public and nonpublic schools or commercial or public buildings.
(viii) 326 IAC 14-2, 326 IAC 14-10, this article, 329 IAC 10-4-2, 329 IAC 10-8-4, and any local or municipal regulations, ordinances, or other local laws pertaining to asbestos.

(M) Field trip comprised of a walk-through inspection to include the following:
(i) On-site discussion on information gathering and determination of sampling locations.
(ii) On-site practice in physical assessment.
(iii) Classroom discussion of field exercise.

(N) A course review of the key aspects of the training course.

(b) In order to qualify for approval, an asbestos management planner training course shall include a written examination as outlined in section 5 of this rule and meet the following requirements:

(1) Verify that each attendee possesses a current and valid inspector training certificate prior to admission to the management planner training course.

(2) An asbestos management planner training course shall be at least two (2) days in duration and shall include lectures, demonstrations, and a course review. Audiovisual materials shall be used to complement lectures where appropriate.

(3) An asbestos management planner training course shall adequately address the following topics:

(A) Course overview to include the following:
(i) The role of the management planner.
(ii) Operations and maintenance programs.
(iii) Setting work priorities.
(iv) Protection of building occupants.

(B) Evaluation and interpretation of survey results to include the following:
(i) Review of TSCA Title II* requirements for inspection and management plans as given in Section 203(i)(1) of TSCA Title II*.
(ii) Interpretation of field data and laboratory results.
(iii) Comparison between field inspector's data sheet with laboratory results and site survey.

(C) Hazard assessment to include the following:
(i) Amplification of the difference between physical assessment and hazard assessment.
(ii) The role of the management planner in hazard assessment.
(iii) Explanation of significant damage, damage, potential damage, and potential significant damage.
(iv) Use of a description (or decision tree) code for assessment of ACM.
(v) Assessment of friable ACM.

(vi) Relationship of accessibility, vibration sources, use of adjoining space, and air plenums and other factors to hazard assessment.

(D) Legal implications to include the following:

(i) Liability.

(ii) Insurance issues specific to planners.

(iii) Liabilities associated with interim control measures and in-house maintenance, repair, and removal.

(iv) Use of results from previously performed inspections.

(E) Evaluation and selection of control options to include the following:

(i) Overview of encapsulation, enclosure, interim operations and maintenance, and removal.

(ii) Advantages and disadvantages of each method.

(iii) Response actions described via a decision tree or other appropriate method.

(iv) Work practices for each asbestos project.

(v) Staging and prioritizing of work in both vacant and occupied buildings.

(vi) The need for containment barriers and decontamination in asbestos projects.

(F) Role of other professionals to include the following:

(i) Use of industrial hygienists, engineers, and architects in developing technical specifications for asbestos projects.

(ii) Any requirements that may exist for architect sign-off of plans.

(iii) Team approach to design of high quality job specifications.

(G) Developing an operations and maintenance plan to include the following:

(i) Purpose of the plan.

(ii) Discussion of applicable U.S. EPA guidance documents.

(iii) What actions should be taken by custodial staff.

(iv) Proper cleaning procedures.

(v) Steam cleaning and high efficiency particulate aerosol (HEPA) vacuuming.

(vi) Reducing disturbance of ACM.

(vii) Scheduling operations and maintenance for off-hours.

(viii) Rescheduling or canceling renovation in areas with ACM.

(ix) Boiler room maintenance.

(x) Disposal of ACM.

(xi) In-house procedures for ACM-bridging and penetrating encapsulants.

(xii) Pipe fittings.

(xiii) Metal sleeves.

(xiv) Polyvinyl chloride (PVC), canvas, and wet wraps.

(xv) Muslin with straps.

(xvi) Fiber mesh cloth.

(xvii) Mineral wool and insulating cement.

(xviii) Discussion of employee protection programs and staff training.

(xix) Case study in developing an operations and maintenance plan (development, implementation process, and problems that have been experienced).

(H) Regulatory review to include the following:

(i) OSHA asbestos construction standard found at 29 CFR 1926.1101* (Occupational Safety and Health Administration, Occupational Exposure to Asbestos).

(ii) The NESHAP found at 40 CFR 61, Subparts A (General Provisions) and M (National Emission Standard for Asbestos)*.

(iii) U.S. EPA worker protection rule found at 40 CFR 763, Subpart G*.

(iv) TSCA Title II*.

(v) 326 IAC 14-2, 326 IAC 14-10, this article, 329 IAC 10-4-2, 329 IAC 10-8-4, and any local or municipal regulations, ordinances, or other local laws pertaining to asbestos.

(I) Record keeping for the management planner to include the following:
(i) Use of field inspector's data sheet along with laboratory results.
(ii) Ongoing record keeping as a means to track asbestos disturbance.
(iii) Procedures for record keeping.

(J) Assembling and submitting the management plan to include the following:
(i) Plan requirements in TSCA Title II, Section 203(i)(1).
(ii) The management plan as a planning tool.

(K) Financing abatement action to include the following:
(i) Economic analysis and cost estimates.
(ii) Development of cost estimates.
(iii) Present costs of abatement versus future operations and maintenance costs.
(iv) Grants and loans under the Asbestos School Hazard Abatement Act (20 U.S.C. 4011 et seq.)*.

(L) A course review of the key aspects of the training course.

(c) In order to qualify for approval, an asbestos project designer training course shall include a written examination as outlined in section 5 of this rule and meet the following requirements:

(1) An asbestos project designer training course shall be at least three (3) days in duration and shall include lectures, demonstrations, a field trip, and a course review. Audiovisual materials shall be used to complement lectures where appropriate.

(2) An asbestos project designer training course shall adequately address the following topics:

(A) Background information on asbestos to include the following:
(i) Identification of asbestos.
(ii) Examples and discussion of the uses and locations of asbestos in buildings.
(iii) Physical appearance of asbestos.

(B) Potential health effects related to asbestos exposure to include the following:
(i) Nature of asbestos-related diseases.
(ii) Routes of exposure.
(iii) Dose-response relationships and the lack of a safe exposure level.
(iv) The synergistic effect between cigarette smoking and asbestos exposure.
(v) The latency period of asbestos-related diseases.
(vi) A discussion of the relationship between asbestos exposure and asbestosis, lung cancer, mesothelioma, and cancer of other organs.

(C) Overview of abatement construction projects to include the following:
(i) Abatement as a portion of a renovation project.
(ii) OSHA requirements for notification of other contractors on a multiemployer site 29 CFR 1926.1101* (Occupational Safety and Health Administration, Occupational Exposure to Asbestos.

(D) Safety system design specifications to include the following:
(i) Design, construction, and maintenance of containment barriers and decontamination enclosure systems.
(ii) Positioning of warning signs.
(iii) Electrical and ventilation system lock-out.
(iv) Proper working techniques for minimizing fiber release.
(v) Entry and exit procedures for the work area.
(vi) Use of wet methods.
(vii) Use of negative pressure exhaust ventilation equipment.
(viii) Use of HEPA vacuums.

(ix) Proper cleanup and disposal of asbestos.
(x) Work practices as they apply to encapsulation, enclosure, and repair.
(xi) Use of glove bags and a demonstration of glove bag use.
(xii) Proper techniques for initial cleaning.

(E) Field trip comprised of a visit to an abatement site or other suitable building site, including on-site discussions of abatement design, and building walk-through inspection, including discussion of rationale for the concept of functional spaces during the walk-through.

(F) Employee personal protective equipment to include the following:
(i) Classes and characteristics of respirator types.
(ii) Limitations of respirators.
(iii) Proper selection, inspection, donning, use, maintenance, and storage procedures.
(iv) Methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests).
(v) Qualitative and quantitative fit testing procedures.
(vi) Variability between field and laboratory protection factors.
(vii) Factors that alter respirator fit, for example, facial hair.
(viii) Components of a proper respiratory protection program.
(ix) Selection and use of personal protective clothing.
(x) Use, storage, and handling of nondisposable clothing.

(G) Additional safety hazards encountered during abatement activities and how to deal with them, including the following:
(i) Electrical hazards.
(ii) Heat stress.
(iii) Air contaminants other than asbestos.
(iv) Fire and explosion hazards.

(H) Fiber aerodynamics and control to include the following:
(i) Aerodynamic characteristics of asbestos fibers.
(ii) Importance of proper containment barriers.
(iii) Settling time for asbestos fibers.
(iv) Wet methods in abatement.
(v) Aggressive air monitoring following abatement.
(vi) Aggressive air movement and negative pressure exhaust ventilation as a clean-up method.

(I) Designing abatement solutions to include the following:
(i) Discussions of removal, enclosure, and encapsulation methods.
(ii) Asbestos waste disposal.

(J) Final clearance process to include the following:
(i) Discussion of the need for a written sampling rationale for aggressive final air clearance.
(ii) Requirements of a complete visual inspection.
(iii) The relationship of the visual inspection to final air clearance.

(K) Budgeting and cost estimation to include the following:
(i) Development of cost estimates.
(ii) Present cost of abatement versus future operations and maintenance costs.
(iii) Setting priorities for abatement jobs to reduce costs.

(L) Writing abatement specifications to include the following:
(i) Preparation of and need for a written project design.
(ii) Means and methods specifications versus performance specifications.
(iii) Design of abatement in occupied buildings.
(iv) Modification of guide specifications to a particular building.

(v) Worker and building occupant health and medical considerations.
(vi) Replacement of ACM with nonasbestos substitutes.
(M) Preparing abatement drawings to include the following:
(i) Significance and need for drawings.
(ii) Use of as-built drawings.
(iii) Use of inspection photographs and on-site reports.
(iv) Methods of preparing abatement drawings.
(v) Diagramming containment barriers.
(vi) Relationship of drawings to design specifications.
(vii) Particular problems in abatement drawings.
(N) Contract preparation and administration.
(O) Legal liabilities and defenses to include the following:
(i) Insurance considerations.
(ii) Bonding.
(iii) Hold harmless clauses.
(iv) Use of abatement contractor's liability insurance.
(v) Claims-made versus occurrence policies.
(P) Replacement of asbestos with asbestos-free substitutes.
(Q) Role of other consultants to include the following:
(i) Development of technical specification sections by industrial hygienists or engineers.
(ii) The multidisciplinary team approach to abatement design.
(R) Occupied buildings to include the following:
(i) Special design procedures required in occupied buildings.
(ii) Education of occupants.
(iii) Extra monitoring recommendations.
(iv) Staging of work to minimize occupant exposure.
(v) Scheduling of renovation to minimize exposure.
(S) Relevant federal, state, and local regulatory requirements with a discussion of procedures and standards, including, but not limited to, the following:
(i) Requirements of TSCA Title II*.
(ii) The NESHAP, found at 40 CFR 61, Subparts A (General Provisions) and M (National Emission Standard for Asbestos)*.
(iii) OSHA standards for permissible exposure to airborne concentrations of asbestos fibers and respiratory protection found at 29 CFR 1910.134*.
(iv) EPA worker protection rule found at 40 CFR 763, Subpart G*.
(v) OSHA asbestos construction standard found at 29 CFR 1926.1101* (Occupational Safety and Health Administration, Occupational Exposure to Asbestos).
(vi) OSHA hazard communication standard found at 29 CFR 1926.59*.
(vii) 326 IAC 14-2, 326 IAC 14-10, this article, 329 IAC 10-4-2, 329 IAC 10-8-4, and any local or municipal regulations, ordinances, or other local laws pertaining to asbestos.
(T) A course review of the key aspects of the training course.

(d) In order to qualify for approval, an asbestos project supervisor or contractor training course shall include a written examination as outlined in section 5 of this rule and meet the following requirements:
(1) An asbestos project supervisor or contractor training course shall be at least five (5) days in duration and shall include lectures, demonstrations, at least fourteen (14) hours of hands-on training, individual respirator fit testing, and a course review. Audiovisual materials shall be used to complement lectures where appropriate.

(2) An asbestos project supervisor or contractor training course shall adequately address the following topics:
(A) Physical characteristics of asbestos and ACM to include the following:
(i) Identification of asbestos.
(ii) Aerodynamic characteristics.
(iii) Typical uses.
(iv) Physical appearance.
(v) A review of hazard assessment considerations.
(vi) A summary of abatement control options.
(B) Potential health effects related to asbestos exposure to include the following:
(i) Nature of asbestos-related diseases.
(ii) Routes of exposure.
(iii) Dose-response relationships and the lack of a safe exposure level.
(iv) Synergism between cigarette smoking and asbestos exposure.
(v) Latency period for diseases.
(C) Employee personal protective equipment to include the following:
(i) Classes and characteristics of respirator types.
(ii) Limitations of respirators and their proper selection, inspection, donning, use, maintenance, and storage procedures.
(iii) Methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests).
(iv) Qualitative and quantitative fit testing procedures.
(v) Variability between field and laboratory protection factors.
(vi) Factors that alter respirator fit, for example, facial hair.
(vii) The components of a proper respiratory protection program.
(viii) Selection and use of personal protective clothing.
(ix) Use, storage, and handling of nondisposable clothing.
(x) Regulations covering personal protective equipment.
(D) State-of-the-art work practices to include the following:
(i) Proper work practices for asbestos abatement activities, including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems.
(ii) Positioning of warning signs.
(iii) Electrical and ventilation system lock-out.
(iv) Proper working techniques for minimizing fiber release.
(v) Use of wet methods.
(vi) Use of negative pressure exhaust ventilation equipment.
(vii) Use of HEPA vacuums.
(viii) Proper clean-up and disposal procedures.
(ix) Work practices for removal, encapsulation, enclosure, and repair of ACM.
(x) Emergency procedures for unplanned releases.
(xi) Potential exposure situations.
(xii) Transport and disposal procedures.
(xiii) Recommended and prohibited work practices.
(xiv) New abatement-related techniques and methodologies.
(E) Personal hygiene to include the following:
(i) Entry and exit procedures for the work area.
(ii) Use of showers.
(iii) Avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area.
(iv) Potential exposures, such as family exposure, shall also be included.

(F) Hazards encountered during abatement activities and how to deal with them, including the following:
(i) Electrical hazards.
(ii) Heat stress.
(iii) Air contaminants other than asbestos.
(iv) Fire and explosion hazards.
(v) Scaffold and ladder hazards.
(vi) Slips, trips, and falls.
(vii) Confined spaces.
(G) Medical monitoring to include the following:
(i) OSHA requirements for a pulmonary function test.
(ii) Chest x-ray and a medical history for each employee.
(H) Air monitoring procedures to determine airborne concentrations of asbestos fibers to include the following:
(i) A description of aggressive sampling.
(ii) Sampling equipment and methods.
(iii) Reasons for air monitoring.
(iv) Types of samples.
(v) Interpretation of results, specifically from analyses performed by polarized light, phase-contrast, and electron microscopy.
(I) Relevant federal, state, and local regulatory requirements with a discussion of procedures and standards to include the following:
(i) Requirements of TSCA Title II*.
(ii) NESHAP found at 40 CFR 61, Subparts A (General Provisions) and M (National Emission Standard for Asbestos)*.
(iii) OSHA standards for permissible exposure to airborne concentrations of asbestos fibers and respiratory protection found at 29 CFR 1910.134*.
(iv) OSHA asbestos construction standard found at 29 CFR 1926.1101* (Occupational Safety and Health Administration, Occupational Exposure to Asbestos).
(v) EPA worker protection rule found at 40 CFR 763, Subpart G*.
(vi) 326 IAC 14-2, 326 IAC 14-10, this article, 329 IAC 10-4-2, 329 IAC 10-8-4, and any local or municipal regulations, ordinances, or other local laws pertaining to asbestos.
(J) Respiratory protection programs and medical surveillance programs.
(K) Insurance and liability issues to include the following:
(i) Contractor issues.
(ii) Workers' compensation coverage and exclusions.
(iii) Third-party liabilities and defenses.
(iv) Insurance coverage and exclusions.
(L) Record keeping for asbestos abatement projects to include the following:
(i) Records required by federal, state, and local regulations.
(ii) Records recommended for legal and insurance purposes.
(M) Supervisory techniques for asbestos abatement activities to include supervisory practices which enforce and reinforce the required work practices and discourage unsafe work practices.
(N) Contract specifications to include a discussion of key elements that are included in contract specifications.
(O) A course review of the key aspects of the training course.

(e) In order to qualify for approval, an asbestos worker training course shall include a written examination as outlined in section 5 of this rule and meet the following requirements:

(1) An asbestos worker training course shall be at least four (4) days in duration and shall include lectures, demonstrations, at least fourteen (14) hours of hands-on training, individual respirator fit testing, and a course review. Audiovisual materials shall be used to complement lectures where appropriate.
(2) An asbestos worker training course shall adequately address the following topics:
(A) Physical characteristics of asbestos to include the following:
(i) Identification of asbestos.
(ii) Aerodynamic characteristics.
(iii) Typical uses.
(iv) Physical appearance.
(v) A summary of abatement control options.
(B) Potential health effects related to asbestos exposure to include the following:
(i) Nature of asbestos-related diseases.
(ii) Routes of exposure.
(iii) Dose-response relationships and the lack of a safe exposure level.
(iv) Synergism between cigarette smoking and asbestos exposure.
(v) Latency period for diseases.
(vi) Discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancer of other organs.
(C) Employee personal protective equipment to include the following:
(i) Classes and characteristics of respirator types.
(ii) Limitations of respirators and their proper selection, inspection, donning, use, maintenance, and storage procedures.
(iii) Methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests).
(iv) Qualitative and quantitative fit testing procedures.
(v) Variability between field and laboratory protection factors.
(vi) Factors that alter respirator fit, for example, facial hair.
(vii) The components of a proper respiratory protection program.
(viii) Selection and use of personal protective clothing, use, storage, and handling of nondisposable clothing.
(ix) Regulations covering personal protective equipment.
(D) State-of-the-art work practices to include the following:
(i) Proper asbestos abatement activities, including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems.
(ii) Positioning of warning signs.
(iii) Electrical and ventilation system lock-out.
(iv) Proper working techniques for minimizing fiber release.
(v) Use of wet methods.
(vi) Use of negative pressure ventilation equipment.
(vii) Use of HEPA vacuums.
(viii) Proper clean-up and disposal procedures.
(ix) Work practices for removal, encapsulation, enclosure, and repair.
(x) Emergency procedures for sudden releases.
(xi) Potential exposure situations.
(xii) Transport and disposal procedures.
(xiii) Recommended and prohibited work practices.
(E) Personal hygiene to include the following:
(i) Entry and exit procedures for the work area.
(ii) Use of showers.

(iii) Avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area.
(iv) Potential exposures, such as family exposure.
(F) Hazards encountered during abatement activities and how to deal with them, including the following:
(i) Electrical hazards.
(ii) Heat stress.
(iii) Air contaminants other than asbestos.
(iv) Fire and explosion hazards.
(v) Scaffold and ladder hazards.
(vi) Slips, trips, and falls.
(vii) Confined spaces.
(G) Medical monitoring to include the following:
(i) OSHA and U.S. EPA requirements for a pulmonary function test.
(ii) Chest x-rays and a medical history for each employee.
(H) Air monitoring to include procedures to determine airborne concentrations of asbestos fibers, focusing on how personal air sampling is performed and the reasons for it.
(I) Relevant federal, state, and local regulatory requirements, procedures, and standards with particular attention directed at relevant U.S. EPA, OSHA, and state regulations concerning asbestos abatement workers with a discussion of procedures and standards to include the following:
(i) Requirements of TSCA Title II**.
(ii) NESHAP found at 40 CFR 61, Subparts A (General Provisions) and M (National Emission Standard for Asbestos)*.
(iii) OSHA standards for permissible exposure to airborne concentrations of asbestos fibers and respiratory protection found at 29 CFR 1910.134*.
(iv) OSHA asbestos construction standard found at 29 CFR 1926.1101*.
(v) EPA worker protection rule found at 40 CFR 763, Subpart G*.
(vi) 326 IAC 14-2, 326 IAC 14-10, this article, 329 IAC 10-4-2, 329 IAC 10-8-4 ,and any local or municipal regulations, ordinances, or other local laws pertaining to asbestos.
(J) Establishment of respiratory protection programs.
(K) A course review of the key aspects of the training course.

*These materials have been incorporated by reference and are available at the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. *(Air Pollution Control Board; 326 IAC 18-2-3; filed Sep 23, 1988, 1:45 p.m.: 12 IR 1250; filed Jul 6, 1989, 1:15 p.m.: 12 IR 2028; errata filed Jul 18, 1989, 5:00 p.m.: 12 IR 2286; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2116; filed Jul 5, 1995, 10:00 a.m.: 18 IR 2745; errata filed Jul 5, 1995, 10:00 a.m.: 18 IR 2795; filed May 12, 1998, 9:15 a.m.: 21 IR 3758)*

SECTION 40. 326 IAC 18-2-4 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 18-2-4 Refresher training course requirements
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-11-2-158; IC 13-17

Sec. 4. (a) In order to qualify for approval, a refresher training course shall be specific to each discipline. For each discipline, the refresher training course shall review and discuss changes in federal and state regulations and other laws pertaining to asbestos, developments in state-of-the-art procedures, and a review of key aspects of the initial training course.

(b) In order to qualify for approval, a refresher training course shall meet the following requirements:
(1) An asbestos inspector refresher training course shall be at least one-half (½) day in duration.
(2) An asbestos management planner refresher training course shall be at least one (1) day in duration which shall include one-half (½) day of asbestos inspector refresher training.
(3) The following refresher training courses shall be at least one (1) day in duration:
(A) Asbestos project designer.
(B) Asbestos project supervisor or contractor.
(C) Asbestos worker.
(4) Each refresher training course shall include a written examination as outlined in section 5 of this rule.
(Air Pollution Control Board; 326 IAC 18-2-4; filed Sep 23, 1988, 1:45 p.m.: 12 IR 280; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2124; filed May 12, 1998, 9:15 a.m.: 21 IR 3766)

SECTION 41. 326 IAC 18-2-5 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 18-2-5 Initial and refresher training courses; examination requirements
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-11-2-158; IC 13-17

Sec. 5. (a) Each initial and refresher training course shall include a closed-book examination at the conclusion of each course. Demonstration testing may also be included as part of the examination.

(b) Each examination shall adequately cover the topics included in the training course for that discipline.

(c) Examinations shall have a passing score of at least seventy percent (70%) and shall consist of at least the following number of multiple choice questions for each respective discipline:
(1) Asbestos inspectors: fifty (50) questions.
(2) Asbestos management planners: fifty (50) questions.
(3) Asbestos project designers: one hundred (100) questions.
(4) Asbestos project supervisors or contractors: one hundred (100) questions.
(5) Asbestos workers: fifty (50) questions.

(d) Examinations shall not contain any questions specific to any state other than Indiana.

(e) Training course providers may allow a trainee to retake the final written examination after having failed to achieve a passing score of seventy percent (70%). The reexamination may be taken two (2) times, allowing a trainee a total of three (3) opportunities to pass the required examination. A trainee shall retake any asbestos training course examination within a two (2) week period following the completion of the initial or refresher asbestos training course. Failure of the trainee to pass the third attempt shall require the trainee to retake the entire appropriate asbestos training course.

(f) Training course providers may allow administration of an oral examination for the asbestos worker initial and asbestos worker refresher courses in those cases where an individual attending or completing a course or courses is unable to take or complete a written examination.

(g) Only training course providers or a designated employee of a training course provider who meets the requirements of section 10.1 of this rule may administer and proctor an examination. A proctor shall be present during the entire duration of the examination. *(Air Pollution Control Board; 326 IAC 18-2-5; filed Sep 23, 1988, 1:45 p.m.: 12 IR 280; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2125; filed May 12, 1998, 9:15 a.m.: 21 IR 3766)*

SECTION 42. 326 IAC 18-2-6 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 18-2-6 Initial and refresher training courses; qualifications for approval
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-11-2-158; IC 13-17

Sec. 6. Persons wishing to obtain approval of a training course shall do the following:
(1) Ensure that the training course meets or exceeds the applicable requirements of sections 3 through 5 of this rule.
(2) Issue numbered certificates to students who attend the training course and successfully pass the examination. The certificate shall indicate the following:
(A) Name of accredited person.
(B) Discipline of the training course completed.
(C) Dates of the training course.
(D) Date of the examination.
(E) An expiration date not to exceed one (1) year after the date upon which the person successfully completed the course and passed the examination.
(F) The name, address, and telephone number of the training provider who issued the certificate.
(G) A statement that the person receiving the certificate has completed the requisite training for asbestos accreditation under TSCA Title II**.
(H) A statement that the training course meets requirements as outlined by the state of Indiana under this rule.
(3) Ensure that only instructors who meet the requirements under section 10.1 of this rule are used to teach the training course.
(4) Allow the department to attend, evaluate, and monitor any training course without charge to the department. The department is not required to give advanced notice of such an inspection.
(5) Ensure that each initial and refresher training course offered be specific to a single discipline and not combined with training for any other discipline.
(6) The providers of refresher training courses shall verify that students possess valid initial and, as necessary, refresher training before granting course admission. Those providers offering the initial management planner training course shall verify that students have met the prerequisite of possessing the appropriate initial inspector course at the time of course admission.
(7) Ensure that all requirements for training students will be met in the event that:
(A) the instructor does not speak a language understood by all students; or
(B) the course materials are not in a language understood by all students.
(Air Pollution Control Board; 326 IAC 18-2-6; filed Sep 23, 1988, 1:45 a.m.: 12 IR 280; filed Jul 5, 1995, 10:00 a.m.: 18 IR 2753; filed May 12, 1998, 9:15 a.m.: 21 IR 3766)

SECTION 43. 326 IAC 18-2-7 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 18-2-7 Initial and refresher training courses; application for approval
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-11-2-158; IC 13-17

Sec. 7. (a) Any training course provider seeking approval of an initial training course by the department shall complete the following:
(1) Submit a completed application on forms provided by the department.

(2) Demonstrate whether the course currently has full or contingent approval by the U.S. Environmental Protection Agency or by a state under an accreditation program approved by the U.S. Environmental Protection Agency and submit evidence of such approval.

(3) Provide the following information:

(A) The training course provider's name, address, telephone number, and primary contact person.

(B) The name of the training course.

(C) The course curriculum.

(D) A letter from the training course provider that clearly indicates how the course meets the applicable requirements of sections 3 through 5 of this rule, including the following information:

(i) Length of training in days.

(ii) Amount and type of hands-on training.

(iii) Examinations (length, format, and passing score).

(iv) Topics covered in the course.

(E) Provide a copy of all course materials (student manuals, instructor notebooks, handouts, etc.).

(F) Provide a detailed statement about the development of the examinations and a copy of the examinations used in the course.

(G) Provide the names and qualifications of course instructors (including academic credentials and field experience in asbestos abatement).

(H) Provide a description and an example of numbered certificates issued to students who complete the course and pass the examination with the following:

(i) Name of accredited person.

(ii) Discipline of the training course completed.

(iii) Dates of the training course.

(iv) Date of the examination.

(v) An expiration date not to exceed one (1) year after the date upon which the person successfully completed the course and passed the examination.

(vi) The name, address, and telephone number of the training provider who issued the certificate.

(vii) A statement that the person receiving the certificate has completed the requisite training for asbestos accreditation under TSCA Title II.

(viii) A statement that the training course meets requirements as outlined by Indiana under this rule.

(I) Provide a list of all states, both U.S. EPA approved and nonapproved states, in which the course has received full or contingent approval.

(J) Provide a detailed statement of how the training course provider ensures that all requirements for training students be met in the event that:

(i) the instructor does not speak a language understood by all students; or

(ii) the course materials are not in a language understood by all students.

(4) Pay the asbestos training course provider application fees as specified in section 12 of this rule.

(b) Any training course provider seeking approval of a refresher training course by the department shall complete the following:

(1) Submit a completed application on forms provided by the department.

(2) Demonstrate whether the course currently has full or contingent approval by the U.S. Environmental Protection Agency or by a state under an accreditation program approved by the U.S. Environmental Protection Agency and submit evidence of such approval.

(3) Provide the following information:

(A) The training course provider's name, address, telephone number, and primary contact person.

(B) The name of the training course.

(C) The course curriculum.
(D) A letter from the training course provider that clearly indicates how the course meets the applicable requirements of sections 3 through 5 of this rule, including the following information:
(i) Length of training in days.
(ii) Amount and type of hands-on training.
(iii) Examinations (length, format, and passing score).
(iv) Topics covered in the course.
(E) Provide a copy of all course materials (student manuals, instructor notebooks, handouts, etc.).
(F) Provide a detailed statement about the development of the examination and a copy of the examination used in the course.
(G) Provide the names and qualifications of course instructors (including academic credentials and field experience in asbestos abatement).
(H) Provide a description and an example of numbered certificates issued to students who complete the course and pass the examination with the following:
(i) Name of accredited person.
(ii) Discipline of the training course completed.
(iii) Dates of the training course.
(iv) Date of the examination.
(v) An expiration date not to exceed one (1) year after the date upon which the person successfully completed the course and passed the examination.
(vi) The name, address, and telephone number of the training provider who issued the certificate.
(vii) A statement that the person receiving the certificate has completed the requisite training for asbestos accreditation under TSCA Title II.
(viii) A statement that the training course meets requirements as outlined by the state of Indiana under this rule.
(I) Provide a list of all states (both U.S. EPA approved and nonapproved states) in which the course has received full or contingent approval.
(J) Provide a detailed statement of how the training course provider ensures that all requirements for training students be met in the event that:
(i) the instructor does not speak a language understood by all students; or
(ii) the course materials are not in a language understood by all students.
(4) Pay the asbestos training course provider application fee as specified in section 12 of this rule.

(c) A training course provider shall notify the department in writing within thirty (30) days whenever there is a significant change in the course curriculum, instructional staff, or primary contact person.

(d) The department shall review the application and shall make a determination as to the eligibility of the training course. The department shall issue a letter of approval to any training course provider, providing an approved initial training course or an approved refresher training course, who fulfills the requirements of this rule. The department may disapprove any training course which fails to meet the requirements of this rule.

(e) A letter of approval shall be valid for one (1) year from the date of issuance. *(Air Pollution Control Board; 326 IAC 18-2-7; filed Sep 23, 1988, 1:45 p.m.: 12 IR 280; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2125; filed Jul 5, 1995, 10:00 a.m.: 18 IR 2754; filed May 12, 1998, 9:15 a.m.: 21 IR 3767)*

SECTION 44. 326 IAC 18-2-8 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 18-2-8 Application requirements for reapproval

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-11-2-158; IC 13-17

Sec. 8. (a) Any training course provider seeking reapproval of an approved initial training course or an approved refresher training course by the commissioner shall complete the following:

(1) Have possessed a valid letter of approval from the commissioner within the previous six (6) months.

(2) Submit a completed application on forms provided by the commissioner and include updated information as required in section 7(a)(2) through 7(a)(3) of this rule and section 7(b)(2) through 7(b)(3) of this rule.

(3) Pay the annual application fees as specified in section 12(b) of this rule.

(b) A training course provider shall notify the commissioner in writing within thirty (30) days whenever there is a significant change in the course curriculum, instructional staff, or primary contact person.

(c) The commissioner shall review the application and shall make a determination as to the eligibility of the training course provider. The commissioner shall issue a letter of approval to any training course provider who fulfills the requirements established by this rule.

(d) A letter of approval shall be valid for one (1) year from the date of issuance. *(Air Pollution Control Board; 326 IAC 18-2-8; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2126)*

SECTION 45. 326 IAC 18-2-9 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 18-2-9 Representation of training course approval
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-11-2-158; IC 13-17

Sec. 9. (a) No person shall make representation as conducting an approved initial training course or approved refresher training course for the purpose of licensing persons under 326 IAC 18-1 without prior written approval from the department under this rule.

(b) In any oral or written statement that indicates Indiana's approval of a training course, course providers must clearly indicate that the course is only approved for purposes of licensing under this article. *(Air Pollution Control Board; 326 IAC 18-2-9; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2127; filed May 12, 1998, 9:15 a.m.: 21 IR 3768)*

SECTION 46. 326 IAC 18-2-10.1 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 18-2-10.1 Asbestos training course provider instructor qualifications
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-17-6-3; IC 13-11-2-158

Sec. 10.1. (a) Training course providers must submit resumes and qualifications of all potential instructors, including guest instructors, for approval by the department prior to their use as instructors for any course.

(b) A person to be approved as an instructor for any asbestos training course must meet the following minimum education and training qualifications:

(1) Possess a high school diploma or equivalent as provided in 326 IAC 18-1-4(a)(1) and either of the following:

(A) A bachelor's or graduate degree in architecture, industrial hygiene, engineering, building system design, science, or a related field.

(B) A combination of four (4) years of experience in asbestos inspection, planning, supervision, or cost estimation.

(2) Have completed and successfully passed the training course in the discipline that they wish to instruct. The training course shall be taken from a training course provider other than the provider for whom the instructor will be working.

(3) Provide copies of academic credentials and proof of field experience.

(c) The department will notify the training course provider within eight (8) weeks of the receipt of the application if a potential instructor is not approved.

(d) Instructors approved by the department prior to the effective date of this rule are exempted from this section. *(Air Pollution Control Board; 326 IAC 18-2-10.1; filed May 12, 1998, 9:15 a.m.: 21 IR 3768)*

SECTION 47. 326 IAC 18-2-11 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 18-2-11 Approval revocation
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-11-2-158; IC 13-17

Sec. 11. (a) The department may revoke the approval of a training course if the training course provider:

(1) Violates any of the following:
(A) A requirement of this rule.
(B) A requirement of the Asbestos-Containing Materials in Schools Rule.
(C) A requirement of the Asbestos Model Accreditation Plan Rule.
(D) Any other federal, state, or local regulation.
(E) Any other laws pertaining to asbestos.

(2) Falsifies information on an application for approval.

(3) Fails to meet any qualifications specified in sections 3 through 9 and 13 of this rule.

(4) Misrepresents the extent of a training course's approval.

(5) Fails to submit required information or notifications in a timely manner.

(6) Fails to maintain requisite records.

(7) Falsifies accreditation records, instructor qualifications, or other accreditation information.

(b) The department may revoke the approval of a training course if an approved training course instructor or other person with supervisory authority over the delivery of training has been found in violation of other asbestos regulations and other laws administered by the U.S. EPA, the department, or from a state that has an accreditation plan approved by the U.S. EPA. *(Air Pollution Control Board; 326 IAC 18-2-11; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2127; filed Jul 5, 1995, 10:00 a.m.: 18 IR 2754; filed May 12, 1998, 9:15 a.m.: 21 IR 3769)*

SECTION 48. 326 IAC 18-2-12 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 18-2-12 Application fees
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-11-2-158; IC 13-17

Sec. 12. (a) Upon application for initial or refresher asbestos training course approval, a training course provider shall pay a one (1) time application fee of one thousand dollars ($1,000) for each of the following disciplines:
(1) Asbestos inspectors.
(2) Asbestos management planners.
(3) Asbestos project designers.
(4) Asbestos project supervisors.
(5) Asbestos workers.
(6) Asbestos contractors.

(b) Upon application for initial or refresher asbestos training course reapproval, a training course provider shall pay an annual application fee of five hundred dollars ($500) for each of the following disciplines:
(1) Asbestos inspectors.
(2) Asbestos management planners.
(3) Asbestos project designers.
(4) Asbestos project supervisors.
(5) Asbestos workers.
(6) Asbestos contractors.

(c) Fees paid by mail shall be paid by check or money order and shall be made payable to the Asbestos Trust Fund.

(d) The application fee is not:
(1) transferable from one (1) application to another;
(2) transferable from one (1) training course provider to another;
(3) transferable to any other type of licensing or approval issued by the department; or
(4) refundable;
unless requested by the applicant and approved by the department within three (3) days of submittal to the department or prior to processing of the application by the department, whichever is earlier.

(e) If the department determines the information on the application to be incomplete, the applicant will be requested to submit the missing information. If the information is not submitted within one (1) year of the department's receipt of the application, the application will expire and the fee is not transferable or refundable. *(Air Pollution Control Board; 326 IAC 18-2-12; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2127; filed May 12, 1998, 9:15 a.m.: 21 IR 3769)*

SECTION 49. 326 IAC 18-2-13 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 18-2-13 Record keeping requirements for training providers
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-11-2-158; IC 13-17

Sec. 13. (a) All approved providers of approved asbestos initial training and refresher training courses must comply with the following minimum record keeping requirements:
(1) Maintain copies of all training course materials used, including the following:
(A) Student manuals.
(B) Instructor notebooks.
(C) Handouts.
(2) Retain verification of instructor qualifications, including the following:
(A) Copies of all instructors' resumes and qualifications.

(B) Copies of the documents approving each instructor issued by the department.
(C) Approval for instructors by the department before teaching accreditation courses under section 7 of this rule.
(D) Notification to the department in advance whenever it changes course instructors.
(E) Records must accurately identify the instructors who taught each particular course for each date that a course is offered.

(3) Maintain the following examination records:
(A) A copy of the accreditation exam.
(B) The name and test score of each person taking the exam.
(C) The date of the exam.
(D) The training course and discipline for which the exam was given.
(E) The name of the person who proctored the exam.

(4) Maintain the following accreditation certificate records:
(A) The name of each person receiving an accreditation certificate.
(B) Proof of a passing score on the accreditation exam.
(C) The certificate number.
(D) The discipline for which accreditation was conferred.
(E) The dates training was received.
(F) The expiration of the certificate.
(G) The location of the training course.

(5) The training provider shall assure that the topic and dates of the training course correspond to those listed on each certificate of training.

(b) All approved providers of accredited asbestos initial training and refresher training courses must comply with the following records retention and access requirements:
(1) The training provider shall maintain all required records for a minimum of three (3) years.
(2) The training provider must allow reasonable access to all of the records required by the model accreditation plan (MAP) and to any other records which may be required by the department for the approval of asbestos training providers or the accreditation of asbestos training courses to both the U.S. EPA and the department upon request.
(3) If a training provider ceases to conduct training, the training provider shall notify the department and give the department the opportunity to take possession of that provider's asbestos training records.
(4) The training provider shall maintain the records in a manner that allows verification by telephone of the required information.

(Air Pollution Control Board; 326 IAC 18-2-13; filed Jul 5, 1995, 10:00 a.m.: 18 IR 2755; filed May 12, 1998, 9:15 a.m.: 21 IR 3770)

SECTION 50. 326 IAC 18-2-14 IS BEING CONSIDERED FOR READOPTION AS FOLLOWS:

326 IAC 18-2-14 Course notification and record submittal
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-11-2-158; IC 13-17

Sec. 14. All approved providers of approved initial and refresher training courses must comply with the following requirements:

(1) Notify the department in writing of all intended training courses to be held. Notification must contain course dates, daily scheduled beginning and ending times, and exact course locations. Requirements for notice of courses shall be as follows:

(A) Notice of courses to be held in Indiana must be submitted to the department two (2) weeks prior to the scheduled course start date.

(B) Notice of courses to be held outside of Indiana must be submitted to the department four (4) weeks prior to the scheduled course start date.

(C) Notice of course cancellations must be submitted to the department two (2) working days prior to the scheduled course start date.

(2) All approved providers of accredited initial and refresher training courses must provide the department, not later than two (2) weeks after completion of each course, the following:

(A) A list of all course attendee names.

(B) The type of course attended.

(C) The date or dates of the course and the examination.

(D) Exam scores for each attendee.

(E) The certificate number issued to each attendee.

(Air Pollution Control Board; 326 IAC 18-2-14; filed May 12, 1998, 9:15 a.m.: 21 IR 3770)

SECTION 51. 326 IAC 19-1-1 IS REPEALED.

Lilly

Eli Lilly and Company

Lilly Corporate Center
Indianapolis, Indiana 46285
(317) 276-2000

March 7, 2001

VIA Hand Delivery

John Walker, Chairman
Air Pollution Control Board
Indiana Department of Environmental Management
PO Box 6015
Indianapolis, Indiana 46206-6015

RE: Testimony of Eli Lilly and Company on Proposed Amendments to 326 IAC 4-2 and 326 IAC 9-1

Dear Mr. Walker:

Eli Lilly and Company (Lilly) appreciates the opportunity to testify on the proposed amendments to the 326 IAC 4-2 (Incinerators) and 326 IAC 9-1 (Carbon monoxide). Both of these rules establish emission limitations and operating requirements for incinerators. Lilly operates incinerators subject to these rules at four sites in Indiana.

These rules are before you for preliminary adoption because a state law says they will "sunset", or expire, at the end of the year unless the Board re-adopts them. The purpose of the "sunset" law is to require the Air Pollution Control Board to periodically evaluate whether existing regulations achieve their purpose, make sense in the current technical and legal context, and other factors that indicate whether the regulation should stay in place.

From Lilly's perspective, there are two significant criteria the Board should use when evaluating old rules up for re-adoption. First, the Board should ask whether the regulation achieves its intended purpose or whether it is necessary because other regulations achieve the same purpose or supersede its requirements. Second, the Board should ask whether the regulatory language itself meets modern standards for clearly written rules.

The first criteria doesn't need much explanation; the second criteria, however, might. Rules should be written as concisely as possible with clear language so that anybody could read them and understand what they are supposed to do. Clear language should not be the only criteria for a good rule. The rule should also establish standards where IDEM, the public, and the regulated person can determine compliance.

Clear and ascertainable requirements are extremely important for businesses these days. There are approximately 750 sources in Indiana subject to the Title V operating permit program, and another 700 subject to Federally Enforceable State Operating Permits (FESOPs) - a permit program similar to Title V. Under both these programs, a plant site each year must certify compliance with all air pollution

control regulations. This certification requires the source to identify every instance of where it is not in compliance with any air pollution control requirements. In order to complete the certification, the people at the plant site must be able to understand what the requirements are, and determine if they were in or out of compliance with the requirements.

This compliance certification system makes it imperative that rules contain clear and specific requirements that a source can determine whether they are in compliance. Companies take the compliance certification requirements seriously. The person signing the certification can be a vice-president of a company, a plant manager, or some other high ranking person. This person can be prosecuted criminally if there are subsequent problems with the certification or the data underlying the certification. If the rules have vague or open-ended requirements, then it becomes extremely difficult for a company to collect all the information possible to reasonably certify compliance.

For the sake of Title V compliance certifications, the Board should do all it can to remove vague or open-ended requirements from air pollution control rules that are up for re-adoption.

Both Rule 4-2 and 9-1 were originally adopted in the 1970's, and for the most part have remained unchanged over all these years. As a result, these two rules are like disco music, shag carpet, or avacado green kitchen appliances. They need updating. These rules need to reflect that current air pollution control regulations for incinerators have superseded most the requirements. Perhaps more importantly, they need clear and concise regulatory language that plainly describes what the owner or operator of an incinerator must do to comply with the law.

Rule 4-2 is badly in need of updating. For many incinerators, the effects of this rule are superseded by new federal and state regulations for municipal waste incinerators, medical waste incinerators, industrial solid waste incinerators, and hazardous waste incinerators. If an incinerator is subject one of these new standards, it should not be subject to any aspect of Rule 4-2. IDEM proposes, however, to exempt sources only from the particulate emission limitation in Rule 4-2. IDEM's proposed exemption does not go far enough for highly regulated incinerators, and imposes old requirements that have little value in today's regulatory environment.

For the incinerators not subject to the new breed of regulations, Rule 4-2 still includes several vague and open-ended requirements related to the design and operation of an incinerator that do not assure proper control of particulate emissions. For example 326 IAC 4-2-2(a)(4) and (5) require the incinerator to be operated and maintained in accordance with manufacturer's specifications and recommendations. This directive is too open-ended to be useful. Which recommendations? All of them? What if the source has found that the system performs better under scenarios not in the recommendations? There are just too many variables in operating complex equipment like incinerators to bind a person to operating in accordance with these recommendations. Furthermore, when the Title V compliance certification requirements are layered onto this open-ended requirement, the complexity and potential burden of these seemingly innocuous provisions become unmanageable. Would a source have to state in it's compliance certification that it was not in compliance if it did not follow all the manufacturer's recommendations, even if it operated the incinerator so that it met the emission limits?

Attached to this letter are specific amendments to Rule 4-2 that Lilly recommends. Essentially, we ask that the rule apply only to incinerators not subject to new state and federal requirements, and that all but 4-2-2(a)(1), (2), and (7) be deleted. We request that these changes be made now at preliminary adoption.

Lilly agrees with the proposed amendment to Rule 9-1 that exempts incinerators subject to the new federal and state incinerator requirements. At this time, Lilly is not prepared to support or disagree with IDEM's proposal to require incinerators to use direct flame afterburners operating at 1300 F or other approved technologies to reduce carbon monoxide emissions. The 1300 F temperature requirement is a new provision added by IDEM staff since the draft rule was published in the Indiana Register. The public and regulated companies will have just become aware, if at all, of this new language in the last few days. It is very likely that most incinerator operators in the state will not have seen this new language.

Before the new language is preliminarily adopted the Board should discuss all the implications of this new requirement. For example, has IDEM adequately assessed the cost of complying and demonstrating compliance with this requirement? The Rule Fact Sheet provided in the Board packets predicts the cost will be minimal - less than $200 for a portable thermometer. According to our engineers, a $200 portable thermometer is wholly inappropriate as monitoring device. What is really needed is a more sophisticated, durable, and permanently installed thermocouple that is connected to a data collection and alarm system. This is certainly more costly than the $200 suggested by the staff. Moreover, there is no schedule provided in the rule to bring existing units into compliance with this new requirement. We urge the Board not to include this new requirement into a preliminarily adopted rule until IDEM provides more information about the impacts.

I would be happy to answer any questions you may have.

Sincerely,

Bernie Paul

Lilly and Company
uggested revisions to 326 IAC 4-2

326 IAC 4-2-1 Applicability

Sec. 1. This rule (326 IAC 4-2) **applies to all incinerators burning solid waste, except for the following:** ~~establishes standards for the use of incinerators which emit regulated pollutants. This rule (326 IAC 4-2) does not apply to incinerators in residential units consisting of four (4) or fewer families or incinerators for which streamlined requirements have been established in accordance with 326 IAC 2-7-24. All other incinerators are subject to this rule (326 IAC 4-2).~~

(a) incinerators in residential units consisting of four (4) or fewer families;
(b) incinerators for which streamlined requirements have been established in accordance with 326 IAC 2-7-24;
(c) incinerators subject to emission limitations and standards in:
(1) 326 IAC IAC 11;
(2) 326 IAC 20
(3) 40 CFR 60;
(4) 40 CFR 62; or
(5) 40 CFR 63*.

326 IAC 4-2-2 Incinerators

Sec. 2. All incinerators shall:
(1) consist of primary and secondary chambers or the equivalent;
(2) be equipped with a primary burner unless burning wood products;
~~(3) comply with 326 IAC 5-1 and 326 IAC 2;~~
~~(4) be maintained properly as specified by the manufacturer and approved by the commissioner;~~
~~(5) be operated according to the manufacturer's recommendations and only burn waste approved by the commissioner;~~
~~(6) comply with other state and/or local rules or ordinances regarding installation and operation of incinerators;~~
~~(7) be operated so that emissions of hazardous material including, but not limited to, viable pathogenic bacteria, dangerous chemicals or gases, or noxious odors are prevented;~~
(3~~8~~) not emit particulate matter in excess of:
(A) incinerators with a maximum ~~refuse burning~~ capacity of two hundred (200) or more pounds per hour: three-tenths (0.3) pounds of particulate matter per one thousand (1,000) pounds of dry exhaust gas at standard conditions corrected to fifty percent (50%) excess air; or
(B) all other incinerators: five-tenths (0.5) pounds of particulate matter per one thousand (1,000) pounds of dry exhaust gas at standard conditions corrected to fifty percent (50%) excess air.
~~(9) not create a nuisance or a fire hazard.~~
~~If any of the above result, the burning shall be terminated immediately.~~